

Exhibit 110

SCHOOL DISTRICT/LOCAL GOVERNMENT ENTITY PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF SCHOOL DISTRICT EXPERTS

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

- - -
IN RE: SOCIAL MEDIA : Case No.
ADOLESCENT : 4:22-MD-03047-YGR
ADDICTION/PERSONAL : MDL No. 3047
INJURY PRODUCTS :
LIABILITY LITIGATION, :

:
This Document Relates to:
All Actions :

- - -
SEPTEMBER 4, 2025

- - -
Videotaped deposition of
BRIAN OSBORNE, Ed.D., taken pursuant to
notice, was held at the law offices of
Kessler Topaz Meltzer & Check, LLP, 280
King of Prussia Road, Radnor,
Pennsylvania 19087, commencing at 9:09
a.m., on the above date, before Amanda
Dee Maslynsky-Miller, a Court Reporter
and Certified Realtime Reporter.

- - -
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Olivia Sattan, Videographer

12 Ray Moore, Trial Technician

13
- - -

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I N D E X
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Testimony of: BRIAN OSBORNE, Ed.D.

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(It is hereby stipulated and
agreed by and among counsel that
sealing, filing and certification
are waived; and that all
objections, except as to the form
of the question, will be reserved
until the time of trial.)

- - -

VIDEO TECHNICIAN: We are
now on the record. My name is
Olivia Sattan, and I'm a
videographer for Golkow. Today's
date is September 4th, 2025, and
the time is 9:09 a.m.

This video deposition is
being held in Radnor,
Pennsylvania, in the matter of In
Re: Social Media Adolescent
Addiction Personal Injury Products
Liability Litigation for the Court
of the United States District
Court, Northern District of
California. The deponent is Brian

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1 Osborne.

2 Counsel will be noted on the
3 stenographic record. The court
4 reporter is Amanda Miller, and
5 will now swear in the witness.

6 - - -

7 BRIAN OSBORNE, after having
8 been duly sworn, was examined and
9 testified as follows:

10 - - -

11 EXAMINATION

12 - - -

13 BY ATTORNEY PISTILLI:

14 Q. Good morning, Dr. Osborne.

15 A. Good morning.

16 Q. My name is Chris Pistilli.

17 I'm an attorney with the law firm of
18 Covington and Burling. I represent Meta,
19 and I'm going to be deposing you today on
20 behalf of Meta, TikTok, Snap and YouTube.

21 If I refer to those
22 companies collectively as "defendants,"
23 will you understand what I mean?

24 A. I will.

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1 Q. Could you please state your
2 full name for the record?

3 A. Brian Osborne.

4 Q. Could you please state your
5 current employer and job title?

6 A. Lehigh College of Education.
7 I'm a professor of practice.

8 Q. Have you ever been deposed
9 before?

10 A. I have.

11 Q. How many times?

12 A. Once.

13 Q. And what was that matter?

14 A. That was a matter involving
15 the United Federation of Teachers in New
16 York City. And it was about due process
17 rights for probationary teachers.

18 This was in 2012.

19 Q. Did you testify as an expert
20 in that matter?

21 A. No.

22 Q. Have you ever testified at a
23 trial before?

24 A. I have, yes.

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1 Q. And what was that matter?

2 A. I testified in two trials.
3 One was a tenure case. It was an
4 administrative law judge proceeding. I
5 don't remember exactly when; I think it
6 was the '11/'12 school year. I was
7 superintendent in South Orange Maplewood
8 at the time, and it was a tenure case.

9 And the second time was in
10 New York in 2022. And that was a
11 discrimination case against New Rochelle
12 where I had been superintendent.

13 Q. And you were a fact witness
14 in both of those trials? Strike that.

15 Were you an expert in either
16 of those matters?

17 A. No. No.

18 Q. Before we go any further,
19 I'd like to go over a few ground rules
20 with you.

21 You understand you're under
22 oath today, right?

23 A. I do.

24 Q. That means you have to offer

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1 truthful, accurate, complete testimony?

2 A. That's my understanding.

3 Q. Is there any reason you
4 can't do that today?

5 A. No.

6 Q. Is there anything that would
7 adversely affect your ability to
8 understand my questions or recall
9 information today?

10 A. No. No.

11 Q. The court reporter is going
12 to be writing down what we say today.
13 That means that your answers to my
14 questions need to be verbal so they can
15 appear on the record.

16 Is that fair? Do you
17 understand that?

18 A. I understand that.

19 Q. Okay. And because the court
20 reporter can only write down what one of
21 us is saying at a time, let's both do our
22 best to not speak over one another.

23 I'll try to wait for you to
24 finish your answer before I ask my next

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1 question. And I'd ask you to let me
2 finish my question before you start
3 answering.

4 Is that fair?

5 A. That makes sense to me.

6 Q. If at any point I say
7 something that's unclear, you don't
8 understand my question, please let me
9 know, and I'll clarify it for you.

10 Otherwise, I'm going to
11 assume that you understand my question.

12 Is that fair?

13 A. Okay. I'll do that.

14 Q. And if you need to take a
15 break, just let me know. I'll want you
16 to answer the question that's pending,
17 but I'm always happy to accommodate a
18 break, okay?

19 A. Thank you.

20 Q. What, if anything, did you
21 do to prepare for your deposition today?

22 A. I read the reports that I
23 wrote and some of the other depositions.

24 Q. What other depositions?

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1 A. I skimmed the one from
2 Hoover, just to get an idea of, like,
3 what this is -- how this goes.

4 Q. Any other depositions?

5 A. Yes. I read -- I skimmed, I
6 think it's Leslie.

7 That's it.

8 Q. Leslie and Hoover
9 depositions?

10 A. Yeah.

11 Q. Other than those deposition
12 transcripts and your reports, did you
13 read anything else to prepare for your
14 deposition today?

15 A. No.

16 Q. Did you meet with counsel to
17 prepare for your deposition?

18 A. I did.

19 Q. Who did you meet with?

20 A. With Cyrus, Matt and Nick
21 Lee.

22 Q. On how many occasions did
23 you meet?

24 A. Three times, I think.

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1 Q. For about how long each
2 time?

3 A. The first one was short,
4 maybe an hour. And then I met again for
5 just a short half-hour.

6 And then the third time was
7 longer, it was a few hours.

8 Q. Like, three hours?

9 A. Three -- three, four hours,
10 yeah.

11 Q. Did you speak with anyone
12 other than counsel about your deposition?

13 A. No.

14 Q. Do you know what the
15 bellwether school districts in this case
16 are?

17 A. You know, I don't think I
18 recall all of them.

19 I know Tucson is one.
20 Irvington is one. Charleston is one, I
21 think. And then there are three others I
22 know.

23 Q. Breathitt, DeKalb and
24 Harford, are those the other three?

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1 A. Okay. Yes.

2 Q. If I say so.

3 A. No. I recall that, yes.

4 Q. Did you speak to anyone at
5 those districts?

6 A. I did not, no.

7 Q. Other than what we've
8 already discussed, did you do anything to
9 prepare for your deposition today?

10 A. Other than what we
11 discussed, no, not that I recall.

12 Thought a lot about what I
13 might say.

14 ATTORNEY PISTILLI: Let's
15 pull up Tab 1. And we can mark
16 this for identification as
17 Exhibit-1.

18 - - -

19 (Whereupon, Exhibit
20 Osborne-1, No Bates, Curriculum
21 Vitae of Brian Osborne, Ed.D., was
22 marked for identification.)

23 - - -

24 BY ATTORNEY PISTILLI:

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1 Q. Is this a copy of your CV?

2 A. Yes, this is my resume.

3 Q. And could you just briefly
4 describe your educational background?

5 A. Sure. My educational
6 background is one of -- do you mean my --
7 my -- like, the education I received?

8 Q. Yes. Your education.

9 A. Oh, okay. I earned a
10 Bachelor's degree from Colgate University
11 in philosophy and religion. A Master's
12 degree in teaching of mathematics from
13 New York University. A Master's degree
14 in public administration and policy from
15 Harvard Graduate School of Education that
16 I had a concentration in the urban
17 superintendents program. And a Doctoral
18 degree also from Harvard Graduate School
19 of Education in public policy and
20 administration, also with a concentration
21 in the urban superintendents program.

22 I see here that the degrees
23 are administration, planning and social
24 policy. I think I just called them the

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1 wrong thing just now.

2 Q. In 2003, 2004, you were the
3 director of the office of instructional
4 technology?

5 A. In the New York City
6 Department of Education, that's right.

7 Q. What did that position
8 entail?

9 A. That position entailed
10 responsibility for Title IID planning and
11 expenditure for the New York City
12 Department of Education, as well as
13 coordinating with regional instructional
14 technology specialists across the city.

15 Q. And then from 2004 to 2007,
16 you had a different position with the New
17 York City Department of Education?

18 A. Yes.

19 Q. What position was that?

20 A. Chief of staff of teaching
21 and learning.

22 Q. And what did that position
23 entail?

24 A. That position entailed

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1 directly supporting the deputy chancellor
2 for teaching and learning. So there was
3 a large set of responsibilities and an
4 expansive portfolio.

5 The deputy chancellor was
6 responsible for all of teaching and
7 learning and instruction, central
8 offices, oversaw the regional
9 instructional superintendents and,
10 through them, the principals of all the
11 schools in the city.

12 So in that capacity, I led
13 central office instructional support for
14 the initiatives of ten regional
15 superintendents for the local
16 instructional superintendents. There was
17 another district called District 75,
18 which was specific to special education,
19 and schools citywide.

20 And that involved supporting
21 on operations, on curriculum and
22 instruction. All the teaching and
23 learning initiatives.

24 Q. And during your time with

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1 the New York City Department of
2 Education, were students allowed
3 unfettered access to their digital
4 devices?

5 A. I can't answer that.
6 There's -- there's a -- the system is
7 vast, you know; it has more than one
8 million kids. It has, like, 1,500
9 schools. So I'm sure practices varied
10 from place to place.

11 I don't know if kids were
12 allowed unfettered access in all places.

13 Q. Were there any district-wide
14 policies at the time you were with the
15 New York City Department of Education?

16 ATTORNEY MEHRI: Objection.
17 Go ahead.

18 THE WITNESS: Were there
19 any --

20 BY ATTORNEY PISTILLI:

21 Q. Any district-wide policies
22 relating to the use of digital devices?

23 A. I suppose there were. I
24 mean, I don't recall specifically.

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1 Q. You don't recall what those
2 policies were?

3 A. I don't recall what those
4 policies were, no. This was 20 years
5 ago.

6 Q. And then why did you leave
7 the New York City Department of
8 Education?

9 A. I left the New York City
10 Department of Education because I was
11 recruited to become superintendent in
12 South Orange Maplewood, New Jersey.

13 Q. During what period of time
14 were you superintendent in South Orange
15 Maplewood?

16 A. From 2007 to 2014.

17 Q. How many students were in
18 that district?

19 A. There were about 7,000
20 students in that district.

21 Q. And how many schools?

22 A. We had nine schools.

23 Q. And during your time as a
24 superintendent, were students allowed

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1 unfettered access to their digital
2 devices?

3 A. You know, I don't -- I don't
4 exactly recall. And I'm not sure exactly
5 what the policies would have been in
6 every classroom and in every school
7 during that time.

8 2007, things were --
9 digital -- portable personal digital
10 devices were pretty new on the scene. So
11 I'm not sure what the rules were in every
12 place.

13 Q. Do you recall any
14 district-wide policies, at any time while
15 you were superintendent, relating to the
16 use of digital devices?

17 A. I don't recall specific
18 policies, no.

19 Q. Why did you leave your
20 position with the South Orange Maplewood
21 public schools?

22 A. I left South Orange
23 Maplewood public schools because I was
24 recruited to be superintendent in New

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1 Rochelle, New York.

2 Q. And for how long were you
3 superintendent in New Rochelle, New York?

4 A. About four years. A little
5 more than four years.

6 Q. From 2014 to 2018?

7 A. Yes.

8 Q. How many students in that
9 district?

10 A. New Rochelle had, at the
11 time, about 11,000 students.

12 Q. And how many schools?

13 A. There were 11 schools.

14 Q. And from 2014 to 2018 when
15 you were superintendent in New Rochelle,
16 were students allowed unfettered access
17 to their digital devices?

18 A. Again, I can't -- I'm -- I
19 can't answer that question, because
20 there's a large system with variation
21 across schools and classrooms. So some
22 may have been.

23 Q. Did you, as superintendent,
24 put in place any district-wide policies

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1 relating to the use of digital devices?

2 A. Not that I recall.

3 Q. And since 2008, you've
4 worked primarily as a consultant and a
5 professor at Lehigh University; is that
6 right?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: No.

9 BY ATTORNEY PISTILLI:

10 Q. Could you describe your
11 employment since 2018?

12 A. Oh. Since 2018, yes.

13 Q. So since 2018, you've worked
14 as a professor at Lehigh and as a
15 consultant?

16 A. Yes.

17 Q. Could you generally describe
18 what your work as a consultant entails?

19 A. Sure. As an educational
20 consultant in educational leadership, I
21 provide a number of services to different
22 organizations.

23 The primary one being that I
24 serve as an executive coach, usually for

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1 new principals or new superintendents or
2 new district, like, central office
3 leaders.

4 Occasionally, if someone
5 needs extra support, they're not new but
6 they're struggling and they need extra
7 support, that's one area of my work as an
8 educational consultant.

9 Another area is providing
10 support for superintendents and their
11 boards of education on issues of
12 governance and improving governance
13 practices.

14 I also will provide some
15 professional development to leaders as a
16 whole or whatever a superintendent may be
17 facing as a problem of practice.

18 Q. And in your consulting
19 roles, do you assist with developing or
20 changing district-wide policies?

21 A. Generally, no. My work with
22 regard to policy promulgation as an
23 educational consultant would not be
24 direct. It would be supporting a school

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1 or a school district leader in thinking
2 through the implications of a particular
3 policy and anticipating unintended
4 negative consequences, in communicating
5 well with various constituents and
6 understanding, like, law and regulation.

7 So my role isn't to develop
8 policy or suggest policy. My role is to
9 support their leader -- the leaders in
10 their work about how they think about
11 promulgating policy.

12 Q. And have you ever been
13 asked, in your role as a consultant, to
14 develop policies relating to social
15 media?

16 A. I've not been asked in my
17 role as an educational consultant to
18 develop policies about anything,
19 including social media.

20 Q. When was the last time you
21 taught in a classroom?

22 A. What do you mean by
23 "classroom"?

24 Q. Fair enough.

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1 A K-through-12 classroom.

2 A. The last time I was the
3 primary teacher in a K-through-12
4 classroom, is that what you mean?

5 Q. Yes.

6 A. Like, as my full-time job,
7 not as a visiting teacher or something
8 like that?

9 Q. Yes.

10 A. It was in -- I was last a
11 teacher in 2000, yeah.

12 VIDEO TECHNICIAN: Can we go
13 off the record for a second?

14 ATTORNEY PISTILLI: Sure.

15 VIDEO TECHNICIAN: The time
16 is 9:26 a.m. We are going off the
17 record.

18 - - -

19 (Whereupon, a brief recess
20 was taken.)

21 - - -

22 VIDEO TECHNICIAN: The time
23 is 9:29 a.m. We are going back on
24 the record.

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1 BY ATTORNEY PISTILLI:

2 Q. Before we went off the
3 record, you said you thought the last
4 time you were a classroom teacher was
5 2000?

6 A. That's right.

7 Q. So if you could look at
8 Page 3 of your CV with me.

9 It says in 2000 you were a
10 principal intern at the Edwards Middle
11 School; is that right?

12 A. It does say that, yes.

13 Q. What's a principal intern?

14 A. So I interned with a
15 principal in Boston, and this was part of
16 my graduate program that was specific to
17 students who were in the Harvard's urban
18 superintendents program who had not yet
19 been principals as a way to ensure that
20 we had some learning about the
21 principal's day-to-day work.

22 Q. But so that -- that wasn't a
23 classroom teaching position, was it?

24 A. No. I was intern to the

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1 principal.

2 Q. Okay. Then just continuing
3 to look at your resume, I see from 1991
4 to 1994 you were a fifth grade bilingual
5 teacher; is that right?

6 A. Yes.

7 Q. And that was a classroom
8 teaching position?

9 A. Yes.

10 Q. And then were any of the
11 positions listed here on your resume
12 after 1994 classroom teaching positions?

13 A. Yes.

14 Q. Which?

15 A. The -- my role at The New
16 School for Arts and Sciences. I had a
17 teaching position there.

18 Q. Okay. You were a co-founder
19 of that school?

20 A. Yes.

21 Q. You also taught a class?

22 A. My primary responsibility
23 was as a teacher.

24 Q. Are you employed by any of

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1 the plaintiffs in this litigation?

2 A. No, not to my knowledge.

3 Q. Have you ever been?

4 A. By "plaintiffs" you mean the
5 six districts?

6 Q. Let's start with the six
7 districts, yes.

8 A. I -- you said -- no, I have
9 not been employed by any of those six
10 districts, no.

11 Q. Were you employed by other
12 districts that you are aware are
13 plaintiffs in the social media
14 litigation?

15 A. No.

16 Q. Were you employed by
17 Baltimore?

18 A. No.

19 Q. Are you an expert in
20 technology?

21 A. My expertise is not as a
22 technologist, no.

23 Q. Are you an expert in digital
24 design?

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1 A. My expertise is not in
2 digital design.

3 Q. Are you an expert in social
4 media platform design?

5 A. My expertise is not in
6 social media platform design.

7 Q. Are you an expert in
8 algorithms?

9 A. My expertise is not in
10 algorithms.

11 Q. Are you an expert in data
12 science?

13 A. My expertise is not in data
14 science.

15 Q. Are you an expert in
16 statistics?

17 A. My expertise is not in
18 statistics.

19 Q. Are you an expert on product
20 safety?

21 A. My expertise is not in
22 product safety.

23 Q. Are you a psychologist?

24 A. I am not a psychologist.

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1 Q. Are you a psychiatrist?

2 A. I am not a psychiatrist.

3 Q. Are you an epidemiologist?

4 A. I am not an epidemiologist.

5 Q. Are you a public health
6 expert?

7 A. I'm not a public health
8 expert.

9 Q. Are you an expert on mental
10 health?

11 A. I am not an expert on mental
12 health.

13 Q. Are you an expert on
14 addictive behavior?

15 A. I'm not an expert on
16 addictive behavior.

17 Q. Are you an expert on
18 compulsive behavior?

19 A. I'm not an expert on
20 compulsive behavior.

21 Q. Are you an expert on
22 attention deficit disorders?

23 A. I'm not an expert on
24 attention deficit disorders.

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1 Q. Are you an expert on
2 emotional dysregulation?

3 A. I'm not an expert on
4 emotional dysregulation.

5 Q. Are you an expert on
6 burnout?

7 A. I'm not an expert on
8 burnout.

9 Q. Are you an expert on
10 cognitive disorders or deficits?

11 A. I'm not an expert on
12 cognitive disorders or deficits.

13 Q. You're not qualified to
14 diagnose mental health problems or
15 disorders, are you?

16 A. I'm not a psychologist or a
17 psychiatrist, so I don't diagnose mental
18 health problems.

19 Q. And you don't diagnose
20 behavioral problems or disorders either?

21 A. I don't diagnose disorders.

22 Q. Have you ever been hired to
23 write a 15-year plan for a school
24 district?

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1 A. I've never been hired
2 specifically to write a plan for a school
3 district, no.

4 Q. Other than what we've
5 already discussed, do you have any other
6 professional roles currently?

7 A. No.

8 Q. Around what percentage of
9 your time is spent on teaching at Lehigh?

10 A. I'm not sure my exact
11 percentage of time. And, of course, it
12 would depend on time of year.

13 And I would say during the
14 semesters or the time when -- when
15 courses are in session, half my time,
16 roughly.

17 Q. And when courses are not in
18 session, it's less?

19 A. Right. When courses are not
20 in session, then my teaching
21 responsibility would be around, you know,
22 planning and refining syllabi or
23 developing a new course or something like
24 that, yeah.

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1 Q. And so what would the
2 percentage be during the non-session
3 times?

4 A. I don't -- I can't say an
5 exact percentage. I think it varies
6 depending on -- like, if what I'm
7 teaching next is a course I've taught
8 before, then that percentage might be
9 very high.

10 If what I'm teaching next is
11 something that I have taught before, then
12 it might be a little bit lower.

13 So it's no -- there's no,
14 like, real good way to answer that.

15 Q. But so even when class is in
16 session, around half of your time is
17 spent on your private consulting work?

18 A. No. I think that there's a
19 portion of my time as a professor of
20 practice that's not strictly dedicated to
21 teaching.

22 Q. What percentage of your time
23 during -- when classes are in session do
24 you spend on private consulting work?

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1 A. When classes are in session,
2 20 percent, about, more or less.

3 Q. And when classes are not in
4 session?

5 A. It varies depending on, you
6 know, what I'm engaged to do. It could
7 be higher or lower.

8 Q. More than 50 percent?

9 A. Only for short bits of time
10 if an engagement demands it.

11 Q. And just to confirm, you
12 have not been a superintendent since
13 2018, right?

14 A. That's correct.

15 Q. So you were no longer a
16 superintendent during the COVID-19
17 pandemic?

18 A. That's correct, yeah.

19 Q. You agree that that had a
20 profound impact on K-through-12 education
21 in the United States?

22 ATTORNEY MEHRI: Objection.

23 THE WITNESS: COVID had a
24 profound impact on K-through-12

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1 education in the United States,
2 certainly.

3 BY ATTORNEY PISTILLI:

4 Q. Do you agree with bans on
5 electronic devices in schools?

6 A. Will you ask that again?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: What do you
9 mean?

10 Go ahead. Sorry.

11 BY ATTORNEY PISTILLI:

12 Q. Do you agree with policies
13 banning electronic devices in schools?

14 A. So like I said before, my
15 role isn't to, like, promulgate policy or
16 advocate for any particular policy. It's
17 really to assist and support the
18 educational leaders who would have that
19 responsibility to think through all the
20 sort of, like, complexities, unintended
21 negative consequences, constituency
22 communication, like, regulation, that --
23 that kind of stuff, to make sure they're
24 considering everything.

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1 So I don't have a position
2 on, like, banning anything. I think it
3 depends on what the leader is facing in
4 that context.

5 Q. So in your consulting work,
6 you don't advocate for banning electronic
7 devices in schools?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: Yeah, I think
10 that's what I just said.

11 BY ATTORNEY PISTILLI:

12 Q. What do you understand to be
13 the purpose of electronic device bans in
14 schools?

15 A. Do you have -- do you have,
16 like, a particular one in mind? I think
17 the purposes might vary.

18 Q. A ban on using cell phones
19 during school hours.

20 A. And so your question is?

21 Q. What do you understand the
22 purpose of such policies to be?

23 A. So I -- I don't know. I
24 would need to talk with the leaders who

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1 promulgated that policy.

2 But in light of the -- of
3 the compulsive use of social media by
4 students and its sort of negative impact
5 on the schools, I would think that it
6 would be about trying to mitigate some of
7 that impact.

8 Q. Well, have you ever -- you
9 said you've never recommended a policy
10 around electronic device use to a school,
11 right?

12 A. Well, I can't recall, as
13 superintendent, like, what we did
14 specifically about device use.

15 But since then, as an
16 educational consultant, I've not really
17 advocated or recommended a policy about
18 anything, including social media or
19 device uses.

20 Because that's not really my
21 role. It's not what I do in relation to
22 the leaders that I'm coaching or
23 supporting. My role with them is really
24 to support their thinking, like, to try

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1 to help them understand the complexities
2 of policies that they might be
3 considering, helping them understand,
4 like, how policy gets promulgated, if
5 it's a superintendent, like how they
6 might discuss it with their Board of
7 Education.

8 But the kind of policy
9 decision or selection or advocacy, that's
10 not really within the realm of what I do.

11 Q. You understand that cell
12 phones can be used for many different
13 purposes, right?

14 A. Sure.

15 Q. It can be used for texting?

16 A. Yes.

17 Q. It can be used to conduct
18 research?

19 A. Yes.

20 Q. It can be used to take
21 notes?

22 A. I suppose.

23 Q. It can be used to take
24 pictures?

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1 A. Okay.

2 Q. You agree that they can be
3 used to take pictures, right?

4 A. Cell phones can be used to
5 take pictures, yeah. Sure.

6 Q. They can be used as a
7 calculator to do math, right?

8 A. Correct. They can.

9 Q. They can be used to write
10 e-mails?

11 A. Yes.

12 Q. To read e-mails?

13 A. Yes.

14 Q. To browse the Internet?
15 Read the news? Check the weather?

16 A. Cell phones can be used to
17 browse the Internet, check the weather,
18 yes.

19 Q. To play video games?

20 A. Cell phones can be used to
21 play video games, sure.

22 Q. To stream movies?

23 A. Yes.

24 Q. To find directions?

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1 A. Uh-huh, yes.

2 Q. To check the time?

3 A. Cell phones can be used to
4 check the time.

5 Q. To organize your calendar?

6 A. Cell phones can be used for
7 scheduling and calendaring, yes.

8 Q. It can be used to pay
9 someone money you owe them?

10 A. Yes. Cell phones can be
11 used to transfer funds, yes.

12 Q. And all of those are things
13 that can cause distraction if they're
14 occurring during class, right?

15 ATTORNEY MEHRI: Objection.

16 THE WITNESS: I suppose. In
17 my experience, those are not the
18 functions of personal digital --
19 digital device use that is causing
20 the kind of widespread distraction
21 that I describe in my report and
22 that has an adverse impact on
23 school operations and school
24 leaders.

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1 Those -- those aspects are
2 not the focus. The focus is
3 really on social media use,
4 because there are design features
5 on the platforms that lead to more
6 compulsive use.

7 I'm not an expert in this,
8 but that's -- that's the focus of
9 my report.

10 BY ATTORNEY PISTILLI:

11 Q. Well, what's your basis for
12 saying that that's what students are
13 doing on their phones?

14 A. So the basis of me saying
15 that that's what students are doing on
16 their phones comes from several places.

17 One, it comes from my
18 experience in schools, supporting school
19 leaders. I have been in schools -- since
20 leaving the superintendency, I've been in
21 schools some 40 to 50 days a year, at
22 least part -- part days. I've talked
23 with aspiring leaders that I train and
24 teach as graduate students in my classes.

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1 I talk with the school principals and
2 school superintendents and district
3 leaders that I'm contracted to support as
4 an educational consultant and an
5 executive coach.

6 When I go to schools to do
7 that work, I'm using a methodology that
8 couples some direct observation as well
9 as some interviews with those leaders to
10 understand their leadership practice.

11 So there's been -- there's
12 been hundreds of people that I have
13 interacted with -- with during this time
14 in these ways that I'm describing in all
15 sorts of schools, elementary schools,
16 middle schools, high schools, different
17 districts, different types of districts.

18 And the observations are
19 direct of student use. My interactions
20 with these principals, I'm also listening
21 to what they tell me. I'm sometimes
22 present when they have to intervene or
23 deal with different situations.

24 So that's one area that

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1 gives me some insight into the fact that
2 students are using these particular
3 platforms rather compulsively.

4 Then I also read the
5 depositions from the plaintiff districts,
6 and that sort of converged with what I
7 was seeing. It was, like, very much
8 clear that the patterns that I had
9 observed over the last six years were
10 some that the -- you know, the testimony
11 on record was also, like, seeing the same
12 thing.

13 And I conducted a literature
14 review also, where I read some reports.
15 I read some -- I read the Surgeon
16 General's statement. I looked at Pew
17 Research Center stuff, CDC stuff.

18 Like, those kind of research
19 reports, which is -- which are suggesting
20 that, you know, there's research and
21 studies that show that these are the
22 platforms that students are predominantly
23 using.

24 So that's kind of, like, the

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1 basis is sort of multifaceted, if you
2 will.

3 Q. So let's break those down by
4 categories.

5 A. Sure.

6 Q. As I understand it, you
7 mentioned four things.

8 Deposition transcripts from
9 this case, right?

10 A. Uh-huh.

11 Q. A literature review that
12 we'll get to later; that was another one,
13 right?

14 A. Okay. Yes.

15 Q. And then the other two were
16 based on your consulting work, which was
17 a combination of interviews with school
18 leaders and direct observation, correct?

19 A. Yes.

20 Q. And so, then, just sort of
21 interviews with school leaders,
22 essentially what you're saying is they
23 told you that their kids were using
24 social media, right?

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1 ATTORNEY MEHRI: Objection.

2 THE WITNESS: That's
3 partially what I'm saying, yes.
4 It's not limited to that.

5 I'm also there when they're
6 experiencing, like, their
7 leadership responsibilities and
8 observing how they handle
9 different situations.

10 And there I see, like,
11 there's a rather constant stream
12 of workload that comes to the
13 principals that involves -- has
14 its genesis where something is
15 going on on social media or is
16 related to the kids' generalized
17 anxiety about how they might
18 appear on social media or what
19 might happen or their concern
20 about what happened previously,
21 like the night before, something
22 like that.

23 So a lot of this ends up
24 being -- you know, a lot of it

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1 comes to the principal's office or
2 a lot of it is the principals
3 working with their staff on these
4 issues for their students. Like,
5 it's pretty pervasive.

6 BY ATTORNEY PISTILLI:

7 Q. So can you give me an
8 example of an incident that you directly
9 observed relating to social media?

10 A. There are lots of incidents
11 where -- that I could describe. There's
12 no one particular anecdote that's going
13 to be illustrative of the entire pattern.

14 The pattern that I'm seeing
15 is that -- this is -- this is
16 multifaceted. It can't be, like,
17 encapsulated in a particular story.

18 Because what we're seeing is
19 that -- we're seeing that students'
20 attention is really fragmented. It's not
21 just the pull to check, but it's also the
22 thought process that is going on, that
23 students are seriously preoccupied by
24 what's going on on social media. It's

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1 become part of the social fabric of their
2 lives.

3 Students are often coming to
4 school sleep deprived because of their
5 compulsive use of social media.

6 And then instances get
7 amplified on social media. They get
8 either started on social media or they
9 get amplified by social media. And
10 students' preoccupation with their
11 standing, their social standing, becomes
12 part of -- sort of the fabric that is
13 destabilizing schools.

14 Q. If a student arrives tired
15 or preoccupied, how do you know the
16 reason they're tired or preoccupied?

17 A. I think some people will ask
18 them, certainly. It would come out in
19 the course of conversations that they
20 have with their teachers or their
21 counselors.

22 But that's -- again, that's
23 not really, like -- my particular area of
24 expertise is not to diagnose, like, those

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1 individual instances.

2 What I'm looking at is the
3 way that the work of school leaders has
4 changed and continues to change and is
5 becoming more challenging because of
6 these issues that are now, like,
7 prevalent in the student body.

8 Q. You told me that you've
9 directly observed leaders responding to
10 incidents involving social media.

11 Could you please describe
12 one such incident for me?

13 ATTORNEY MEHRI: Asked and
14 answered.

15 THE WITNESS: Yeah. I mean,
16 what inevitably is happening is
17 when students are agitated and
18 upset and they're in the
19 principal's office and they're
20 talking about what's going on,
21 their -- much of what is happening
22 with them is that they have social
23 concerns.

24 I mean, that's really

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1 particular to adolescents, right,
2 the frontal cortex isn't yet
3 developed, their interactions and
4 relationships with their peers is
5 of primary importance to them.

6 And their -- whatever it is
7 that's going on, they feel, like,
8 this sense of social
9 accountability. They need to be
10 responding really fast. Or they
11 feel some kind of pull to -- to be
12 involved so that they don't miss
13 out.

14 Or if there's conflict
15 happening, you know, then that
16 gets exacerbated as well.

17 Students are also in a state
18 of, I would say, like, a
19 generalized anxiety. Like,
20 there's this low-level humming
21 anxiety within the fabric of the
22 student body. It affects the
23 schools because they're concerned
24 about being evaluated, being,

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1 like, ranked. They want their
2 validation. They're afraid
3 somebody is going to expose them
4 for something.

5 It's that underlying
6 preoccupation that so often is
7 permeating through whatever the
8 issue is that the -- that the
9 principal needs to intervene.

10 BY ATTORNEY PISTILLI:

11 Q. But I'm -- I'm asking you a
12 different question, sir.

13 I'm asking you to describe
14 to me a specific instance where you
15 observed a school leader responding to
16 what you refer to as social media
17 concerns.

18 ATTORNEY MEHRI: Asked and
19 answered.

20 THE WITNESS: Yeah, it's not
21 that I'm reluctant to share
22 stories. It's just that I
23 don't -- that is not the point and
24 it wasn't part of my report.

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1 So I feel like a
2 particular -- a particular story,
3 anecdote, is -- is not helpful to
4 understanding the pattern and the
5 way that the patterns, then,
6 accumulate to having an adverse
7 impact on schools.

8 BY ATTORNEY PISTILLI:

9 Q. Well, you said you've
10 directly observed instances involving
11 social media during the time you've spent
12 at schools, correct?

13 A. Yeah.

14 Q. And I would just like to
15 understand what you've directly observed.

16 ATTORNEY MEHRI: Asked and
17 answered.

18 Go ahead.

19 THE WITNESS: I appreciate
20 that -- your desire to know that.

21 It's not contained in my
22 report. And those kind of
23 descriptions come from the
24 deposition testimony that you

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1 already have. There's lots of
2 instances where notifications are
3 interrupting instruction, where
4 students are concerned and they're
5 bringing up, like, emotional
6 concerns to their counselors or
7 their principals about things that
8 are happening with their friends
9 that are exacerbated on social
10 media.

11 There's issues of complexity
12 around limitations and personal
13 device use interrupting
14 instruction. Teachers being
15 frustrated about students' lack of
16 attention span.

17 I mean, this is what's
18 happening virtually in -- in my
19 interactions with these school
20 leaders pretty much all the time.

21 BY ATTORNEY PISTILLI:

22 Q. Well, I'm trying to ask you
23 a different question. We'll get to what
24 school leaders tell you.

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1 I'm asking, you say you've
2 observed personally instances in specific
3 schools where specific individuals are
4 responding to social media-related
5 issues.

6 And I want to understand
7 what your direct observations are.

8 ATTORNEY MEHRI: Objection.
9 Mischaracterizes testimony.

10 But go ahead.

11 THE WITNESS: Yeah, so
12 the -- what I'm reporting on here
13 in my report is the patterns that
14 I've observed across my work in
15 supporting school leaders and
16 school district leaders.
17 Particular instances inform those
18 patterns.

19 But what's prevalent, what
20 is -- what's salient to me in my
21 observation is how they pervade so
22 much of the interactions that are
23 going on between -- between
24 students, among students, between

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1 students and staff that then end
2 up having an impact on the
3 leader's work.

4 This could be interactions
5 between -- like, nonstop
6 interactions between students and
7 teachers about not checking. It
8 could be students who are feeling
9 left out. Students who are
10 feeling exposed. Students who are
11 preoccupied with the validation
12 that they're getting online.

13 All of this stuff gets
14 untangled in the conversations
15 that sometimes leaders have with
16 students.

17 BY ATTORNEY PISTILLI:

18 Q. It could be any of those
19 things.

20 But I'm asking, which of
21 those things have you directly observed?

22 A. Oh, I've observed all of
23 them frequently --

24 Q. Sure. Please describe --

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1 A. -- across many, many
2 different schools.

3 Q. Please describe your direct
4 observations.

5 A. I think I'm trying to do
6 that.

7 So in my work with school
8 leaders and school district leaders, the
9 purpose of my interaction with them is to
10 try to strengthen their leadership.

11 I ask them about what their
12 pressing problems of practice are. I ask
13 them about what kinds of issues are most
14 pressing on them, where their biggest
15 opportunities are. And I couple those
16 kind of conferencing conversations and
17 interviews with observations of their
18 leadership in action, like, in their
19 school context.

20 And what I'm -- what I'm
21 trying to describe to you, in response to
22 your question, is that throughout those
23 interactions, elements of incursion on
24 time -- so schools and school leaders

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1 are -- school leaders and district
2 leaders are feeling, like, the imperative
3 to protect kids, to provide them safety
4 emotionally and physically is really
5 heightened. And it's diverting their
6 attention from some of their core
7 responsibilities about improving teaching
8 and learning or maintaining a positive
9 school culture.

10 And it's because -- not
11 because of any particular, like, one
12 single incident. It's because there's a
13 cumulative effect of the generalized
14 anxiety that is now woven into the social
15 fabric of primarily adolescents but also
16 children, children and adolescents.

17 So principals and
18 superintendents and district leaders,
19 they're telling me that this is becoming
20 a time diversion, a resource strain in
21 trying to meet all of these needs.

22 It's not incumbent in a
23 particular incident. It's a generalized
24 pattern.

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1 Q. Sitting here today, can you
2 describe to me any specific incident that
3 you directly observed involving social
4 media in a school?

5 ATTORNEY MEHRI: Asked and
6 answered.

7 THE WITNESS: I guess I -- I
8 guess I couldn't necessarily,
9 because, number one, the work that
10 I'm doing with the school and
11 school leaders, like, there's an
12 element of trust and even
13 confidentiality that enters into
14 that conversation with them.

15 And, also, the instances
16 where students are fighting and it
17 comes down to something that
18 happened on a platform or students
19 are distracted, it comes down to
20 something that happened on a
21 platform, students are not
22 sustaining their attention and
23 it's frustrating teachers because
24 they're not completing readings or

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1 assignments. Students are coming
2 worn out and sleep deprived to
3 school and that's affecting their
4 performance and interactions. Or
5 students are just not interacting,
6 like, face-to-face with their
7 peers or others.

8 It's pervasive, it's
9 happening, like, all the time in
10 schools.

11 BY ATTORNEY PISTILLI:

12 Q. But you're unable to provide
13 a single example of it happening,
14 correct?

15 ATTORNEY MEHRI: Objection.
16 Asked and answered.

17 THE WITNESS: It's that to
18 look at a single example, I
19 didn't -- I didn't go about
20 preparing my report in trying to
21 document or describe a bunch of
22 different examples.

23 Other testimony does that.
24 Like, the depositions from the --

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1 from the plaintiff districts,
2 district leaders, they do that;
3 they describe a lot of those
4 particular anecdotes.

5 My -- what my report offers
6 and what I'm offering here is a
7 convergence of evidence that shows
8 that the pervasive effects, like,
9 the compulsive personal use of
10 social media by the student body
11 is imposing leadership -- it's
12 imposing on leaders in their
13 attempt to fulfill their
14 responsibilities. And that that's
15 happening on a widespread basis.

16 And my -- my pattern
17 identification is over six years
18 of being in schools and talking
19 with lots of aspiring leaders and
20 lots of school leaders.

21 No one anecdote will capture
22 that or stand out or even -- or I
23 would even be able to, like,
24 accurately describe it right now

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1 sitting here.

2 BY ATTORNEY PISTILLI:

3 Q. A pattern is made up of
4 discrete instances, right?

5 ATTORNEY MEHRI: Objection.

6 THE WITNESS: A pattern, to
7 me, is when something reaches a
8 point where it's predictable in
9 nature.

10 So the patterns that we're
11 seeing now that are predictable
12 are these negative impacts on
13 students, in terms of attention
14 fragmentation and sleep
15 deprivation and fear of missing
16 out, all this stuff that is
17 associated with their social media
18 use, creating a generalized
19 anxiety and destabilizing school
20 district operations and imposing
21 on school leaders so that their
22 time is taken off task, off their
23 mission and purpose of improving
24 teaching and learning in order to

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1 deal with the mental health issues
2 and the disruptions that occur as
3 a result of the students'
4 compulsive social media use.

5 BY ATTORNEY PISTILLI:

6 Q. But you don't have a single
7 instance of a negative impact that you
8 directly observed that you can share with
9 me today?

10 ATTORNEY MEHRI: Asked and
11 answered.

12 THE WITNESS: Yeah, there
13 are instances in my report that I
14 included that I could look at now
15 and share with you, if you want.

16 BY ATTORNEY PISTILLI:

17 Q. Things that you personally
18 directly observed in a school?

19 A. I didn't include those in my
20 report. I --

21 Q. Okay. I'm asking, do you
22 have any?

23 ATTORNEY MEHRI: Asked and
24 answered.

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1 THE WITNESS: Yeah, I do
2 think I answered that question
3 already.

4 BY ATTORNEY PISTILLI:

5 Q. And your answer was no, you
6 can't, right?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: That
9 mischaracterizes my answer.

10 BY ATTORNEY PISTILLI:

11 Q. Sorry. Please tell me what
12 the negative instances are?

13 A. I did already. I -- so I'll
14 say -- I'll say it again.

15 But the -- the negative
16 instances are cumulative in effect. You
17 want me to describe a particular one.
18 The research does that. Other expert
19 testimonies -- testimony does that.

20 I'm telling you that as I
21 interact with aspiring leaders or school
22 leaders, the overwhelming patterns are
23 that there's a pervasive effect that --
24 that is present in the school community,

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1 in the student body that leaders are now
2 needing to respond to.

3 So I'm not going to describe
4 a particular incident. But I will tell
5 you that when there's conflict among
6 students, the conflict is exacerbated
7 because of the interactions on social
8 media. When students are feeling
9 insecure or want attention, that's fueled
10 by their need for validation, which is
11 linked to their social media use.

12 Students' ability to focus
13 on lessons and complete all their work
14 is -- teachers are now saying is
15 compromised because of their social media
16 use.

17 All of that stuff shows up
18 in my interactions with school
19 district -- with school leaders and
20 school district leaders.

21 Q. That's not something you've
22 ever personally witnessed?

23 ATTORNEY MEHRI: Objection.

24 Mischaracterizes testimony.

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1 THE WITNESS: You know, that
2 is a mischaracterization. Thank
3 you.

4 As I stated before, I
5 witness it, like, all the time
6 when I'm in schools.

7 BY ATTORNEY PISTILLI:

8 Q. Okay. So tell me about one
9 time that you witnessed it.

10 ATTORNEY MEHRI: Asked and
11 answered.

12 THE WITNESS: Yeah, yeah. I
13 understand your insistence to try
14 to boil this -- like, narrow this
15 down to a particular instance so
16 then we can talk about the nature
17 of that instance and what is going
18 on and who is at fault, I suppose.

19 But what I'm telling you is
20 that the particular instances at
21 this point, it's the -- it's the
22 pervasiveness, the way that
23 there's a social media saturation
24 that's woven into the social

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1 fabric of teens and adolescents;
2 it's affecting their mental health
3 on a -- on a two-scale basis in
4 schools.

5 And what I see, because my
6 work is really with school leaders
7 and trying to strengthen their
8 leadership, I see that this is
9 imposing constraints and
10 impositions on their leadership
11 time and their leadership capacity
12 to fulfill their -- their primary
13 duties.

14 BY ATTORNEY PISTILLI:

15 Q. So it's pervasive, but
16 you're unwilling tell a jury about one
17 single instance when it's happened that
18 you've personally observed?

19 ATTORNEY MEHRI: Objection.

20 THE WITNESS: I think
21 there's -- I think there's ample
22 testimony already on record from
23 the school districts who were
24 deposed that describe specific

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1 instances.

2 BY ATTORNEY PISTILLI:

3 Q. I'm asking about what you've
4 witnessed in schools.

5 A. Yeah. I understand that's
6 what you're asking. And I'm really
7 trying to answer your question.

8 What I see in schools
9 mirrors what the testimony on record is
10 saying about specific instances. So --
11 and I've described them in terms of
12 students' attention and it frustrating
13 teachers, conflict among students being
14 exacerbated, students' sort of
15 self-esteem and self-concept being --
16 being compulsively linked to, like, how
17 much validation they're getting on the
18 social media platforms.

19 And that this is underlying
20 what is interrupting and intervening in
21 the leaders' work. It's also creating
22 resource allocation issues at the
23 district level.

24 Q. I'm going to go back to what

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1 we were talking about earlier.

2 You agree that there are
3 lots of things that kids can do on a
4 phone, right? We talked about a lot of
5 them?

6 A. Yeah. You named a whole
7 bunch of things that a phone could be
8 used for. And then I don't recall
9 exactly our conversation there.

10 But I did note that the
11 social media platform use has a different
12 quality. Like, there's a different level
13 of engagement that, although I'm not an
14 expert in the features, I understand is
15 attributable to the features in the
16 platforms themselves.

17 Q. If a teacher sees a student
18 on their phone during class, they don't
19 know what they're doing on their phone,
20 right, if they're standing in the front
21 of the classroom?

22 ATTORNEY MEHRI: Objection.

23 THE WITNESS: Yeah, I can't
24 answer that. Like, sometimes

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1 teachers circulate and they
2 actually look at what's on the
3 phones. Sometimes they have
4 interactions with the kid and what
5 exactly they were doing comes out.

6 BY ATTORNEY PISTILLI:

7 Q. I mean, I've got my phone
8 right here, you can't tell what app I'm
9 using, right?

10 A. Obviously, I can't see the
11 screen on your phone.

12 Q. And if a teacher is standing
13 in front of a student they, similarly,
14 can't see the screen on the phone, right?

15 ATTORNEY MEHRI: Objection.

16 THE WITNESS: So I don't
17 know if you've been in -- in
18 classrooms, but teachers, one
19 practice that they frequently use
20 that's pretty common in teaching
21 is circulating.

22 So, yeah, sometimes teachers
23 are in the front of the room and
24 in that case, I suppose they

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1 wouldn't be able to see what's on
2 student devices. But oftentimes
3 they're circulating, and they can.

4 BY ATTORNEY PISTILLI:

5 Q. But unless they're directly
6 looking at the screen, they don't know
7 what the kid is doing?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: I don't --
10 like, this is -- this is -- I
11 don't have an opinion about that.
12 Like, that's not what I'm writing
13 about here or what I'm here to
14 testify to.

15 I've been in lots of
16 classrooms, and oftentimes
17 teachers know what the students
18 are doing even if they can't
19 directly see what's in front of
20 them.

21 Teachers tend to know their
22 students and have insight into
23 what they're doing in their class.

24 BY ATTORNEY PISTILLI:

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1 Q. You've been paid by the
2 plaintiffs to provide opinions in this
3 case, right?

4 A. Yes.

5 Q. How did you first become
6 involved in this litigation?

7 A. I first got contacted by --
8 I think it's called Rubin Anders. So
9 they contacted me to ask if I might be
10 interested.

11 Q. Is that, like, a search firm
12 or law firm?

13 A. I don't -- I'm not exactly
14 sure. My understanding is they, like,
15 find expert witnesses for cases.

16 But this is my first time
17 doing this. So I don't really know how
18 that works.

19 Q. And when were you contacted?

20 A. I was contacted in summer,
21 sometime summer of 2024 initially.

22 Q. Summer of 2024?

23 A. Yeah.

24 Q. And when did you actually

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1 become retained?

2 A. In, I think it was, late
3 March of 2025.

4 Q. So you weren't retained
5 until March of 2025?

6 A. Yeah. Yes.

7 Q. And between the summer of
8 2024 and 2025, were you in any way
9 involved in these matters?

10 A. No, I was not. I had an
11 initial conversation with Rubin Anders
12 and a conference call. And then I didn't
13 hear anything until January. And then I
14 didn't hear anything until March.

15 Q. Who was involved in the
16 conference call in 2024?

17 A. I don't exactly -- I think
18 Tyler Garden -- is Tyler's last name
19 Garden? And Melissa Yeates. I think
20 they were the two people that I talked
21 to.

22 But I'm not exactly sure.

23 Q. And then what -- there was
24 another contact in January of 2025?

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1 A. Yeah. Early -- early
2 January, somewhere, like, New Year's or
3 the day after, Rubin Anders, they let me
4 know that the -- the plaintiffs' side
5 was, like, all set.

6 So I interpreted that as,
7 you know, they don't need me, and I won't
8 be working on it.

9 Q. And then they contacted you
10 again in March of 2025?

11 A. Yes.

12 Q. And what specific opinions
13 were you asked to provide?

14 A. I wasn't asked to provide
15 any specific opinions.

16 Q. What were you asked to do?

17 A. I was asked to -- to
18 generate an expert report that would give
19 my perspective and opinions about the
20 effects of social media use by students
21 on educational leaders.

22 So the scope was kind of,
23 like, describing what educational leaders
24 do and then describing whether --

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1 how what they do is affected by social
2 media use.

3 Q. And you were asked to be an
4 independent expert, right?

5 A. I don't -- what does that
6 mean?

7 Q. Well, were -- what do --
8 what do you understand your role as an
9 expert to be?

10 A. I think I just described it.

11 So to offer my expert
12 opinion of the work that leaders do in
13 schools and school districts and how
14 social media is impacting that, their
15 responsibilities, their ability to
16 fulfill their duties.

17 Q. And when you approached that
18 task, were you approaching it with a view
19 toward helping the plaintiffs in these
20 cases?

21 A. I was approaching it as a
22 view towards taking on a task such that I
23 would be able to reflect on my
24 experiences, look at the deposition

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1 testimony, and do a literature review to
2 better understand, like, what are the
3 interactions here, what is -- what is
4 going on?

5 Q. Did you come to that task
6 with preconceived notions?

7 A. The -- the patterns that I
8 had been seeing in schools and school
9 districts did lead me to wonder what is
10 going on, in terms of student social
11 media use.

12 Q. But you were attempting to
13 reach objective and unbiased conclusions,
14 right?

15 A. I was, based on -- based on
16 these convergence of evidence that I
17 described before, yeah.

18 Q. Right. And when you were
19 retained in March of 2025, you weren't
20 rooting for either side, right?

21 A. Was I rooting for either
22 side? No, I didn't think of it in terms
23 of rooting for either side.

24 ATTORNEY PISTILLI: If we

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1 can pull up Tab 3, please.

2 - - -

3 (Whereupon, Exhibit
4 Osborne-2, No Bates, 1/8/25
5 E-mail, Osborne to Kennedy, was
6 marked for identification.)

7 - - -

8 BY ATTORNEY PISTILLI:

9 Q. Do you recognize this
10 e-mail, sir?

11 ATTORNEY PISTILLI: We can
12 mark this as Exhibit-2.

13 THE WITNESS: Yes, I
14 recognize this e-mail.

15 BY ATTORNEY PISTILLI:

16 Q. This is an e-mail from you
17 to attorneys at the Covington and Burling
18 law firm, correct?

19 A. Yes.

20 Q. And you stated in that
21 e-mail in January of 2025 that you are,
22 quote, rooting for the other guys, right?

23 A. I did put that in this
24 e-mail, yeah.

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1 ATTORNEY PISTILLI: Is this
2 a good time for a break?

3 VIDEO TECHNICIAN: The time
4 is 10:16 a.m. We are going off
5 the record. This is the end of
6 Media 1.

7 - - -

8 (Whereupon, a brief recess
9 was taken.)

10 - - -

11 VIDEO TECHNICIAN: The time
12 is 10:31 a.m. We are going back
13 on the record. This is the
14 beginning of Media 2.

15 BY ATTORNEY PISTILLI:

16 Q. Dr. Osborne, what are your
17 current sources of income?

18 A. My current sources of income
19 are the work that I'm doing for this
20 case, obviously, my role at Lehigh's
21 College of Education as a professor of
22 practice, and then some consulting income
23 from different school districts.

24 Q. And what were your sources

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1 of income last year?

2 A. My sources of income last
3 year were Lehigh College of Education
4 position as a professor of practice, and
5 some consulting earnings from a few
6 different school districts.

7 Q. And for this year,
8 approximately what percentage of your
9 earnings come from your work on this
10 litigation?

11 A. Oh, I don't know. It's not
12 over yet.

13 Q. So far this year.

14 A. So far what percentage?

15 Q. Yes.

16 A. I don't -- I don't know
17 exactly. I'd need to calculate it out.
18 Like, I'm not -- I'm not sure.

19 Q. You're getting paid \$465 per
20 hour for your work for plaintiffs in this
21 litigation?

22 A. No.

23 Q. How much are you getting
24 paid?

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1 A. \$300 per hour.

2 - - -

3 (Whereupon, Exhibit
4 Osborne-3, No Bates, Invoices, was
5 marked for identification.)

6 - - -

7 BY ATTORNEY PISTILLI:

8 Q. I'm handing you what's been
9 marked as Exhibit-3, which is Tab 72.

10 ATTORNEY PISTILLI: We'll go
11 ahead and mark this as Exhibit-3.

12 BY ATTORNEY PISTILLI:

13 Q. Do you recognize Exhibit-3?

14 A. Yes.

15 Q. Do you see a rate listed
16 there of \$465 per hour?

17 A. I do.

18 Q. Is that your rate for this
19 litigation?

20 A. No.

21 Q. Do you understand that
22 plaintiffs are paying \$465 per hour for
23 your time in this litigation?

24 ATTORNEY MEHRI: Objection.

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1 THE WITNESS: That's my
2 assumption, looking at this
3 invoice.

4 BY ATTORNEY PISTILLI:

5 Q. But you personally are only
6 getting \$300 per hour; that's your
7 testimony?

8 A. Yes, that's correct.

9 Q. And approximately how many
10 hours have you worked on this litigation
11 during the 2025 calendar year to date?

12 A. I don't know. There's --
13 there aren't totals of hours on this. So
14 I'd -- I'd have to add them all up.

15 Q. We -- we may come back to
16 this.

17 What's your compensation
18 from Lehigh for a year, approximately?

19 A. You're asking how much I get
20 paid by Lehigh?

21 Q. Yes.

22 A. I don't know the exact
23 number. [REDACTED] I
24 think.

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1 Q. And approximately how much
2 have you made from private consulting
3 work this year, other than work on this
4 litigation?

5 A. What do you mean by "this
6 year"?

7 Q. Calendar year 2025 to date.

8 A. I don't know.

9 Q. More or less than what
10 you've made from Lehigh?

11 A. Less.

12 Q. Less than \$100,000?

13 A. Yes. The earnings so far
14 this year, less than \$100,000 for sure.
15 Yeah.

16 Q. Less than \$50,000?

17 A. I don't -- I don't know.

18 That's retrievable if it's
19 important to know. I can find out.

20 Q. Sure. That would be great.
21 Thank you.

22 Your CV notes that you're an
23 associate editor of the American
24 Association of School Administrators; is

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1 that right?

2 A. Not exactly. I've become
3 editor, and I guess I didn't update my CV
4 with that. I became editor starting in
5 July, I guess.

6 Q. You were previously on the
7 editorial review board?

8 A. No.

9 Q. No? Just what is your --
10 you're currently editor of the -- strike
11 that.

12 You said you became an
13 editor starting in July.

14 Did you have a role with
15 that organization prior to July?

16 A. With the Journal of
17 Scholarship & Practice --

18 Q. Yes.

19 A. -- at AASA?

20 Yes. Prior to July, I was
21 associate editor.

22 Q. Okay. And you're also on
23 the editorial review board of the AASA
24 Journal of Scholarship & Practice; is

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1 that right?

2 A. Oh, that's -- yes.

3 Q. And what is the Journal of
4 Scholarship & Practice?

5 A. The Journal of Scholarship &
6 Practice is a quarterly publication by
7 AASA, which is the National
8 Superintendents Association.

9 It's a peer-reviewed journal
10 that publishes articles that are
11 submitted from researchers for
12 publication and are of interest to a
13 superintendent audience.

14 Q. It includes articles about
15 challenges facing schools and educators?

16 ATTORNEY MEHRI: Objection.

17 THE WITNESS: Yeah, I think
18 you could say that. It includes
19 research products from people who
20 are researching in education and
21 submitted to be published in the
22 journal.

23 ATTORNEY PISTILLI: Let's
24 take a look at Tab 4.

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1 - - -

2 (Whereupon, Exhibit
3 Osborne-4, No Bates, Promoting
4 Equity in the Modern
5 Superintendency, was marked for
6 identification.)

7 - - -

8 BY ATTORNEY PISTILLI:

9 Q. Do you recognize Tab 4,
10 which we can mark as Exhibit-4?

11 A. What I'm seeing here looks
12 like an article from fall 2021 of the
13 Journal of Scholarship & Practice.

14 Q. And this was --

15 A. Give me -- give me a moment.

16 Q. This is an article that was
17 published in the AASA Journal of
18 Scholarship & Practice while you were on
19 the editorial board, right?

20 A. I'm just familiarizing
21 myself.

22 I don't recall when I joined
23 the editorial board. Let me look at my
24 CV. But it may be.

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1 Okay. Yeah, I started in
2 2019. So I started on the editorial
3 board in 2019, yes. So this would have
4 been published while I was on the
5 editorial board, correct.

6 Q. Do you recognize this
7 article?

8 A. No. I'm just familiarizing
9 myself now.

10 Q. Do you know the authors of
11 the article?

12 A. I don't think so.

13 Q. And this article that your
14 journal published was based on results
15 from the American Superintendent 2020
16 Decennial Study, correct?

17 A. Sorry, I'm trying to -- I'm
18 just seeing this for the first time, so
19 it will just take me a minute. I need to
20 go back now and see what it says here.

21 It does reference the
22 American Superintendent 2020 Decennial
23 Study.

24 And so it says here that, in

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1 this article, We endeavor to take another
2 look at the data from the American
3 Superintendent 2020 Decennial Study using
4 equity as a lens to reexamine the data
5 set. We will describe the findings from
6 the decennial study, but in the
7 discussion compare and contrast those to
8 the systemic levels of inequity as
9 posited by Radd, Generett, Gooden and
10 Theoharris. Additionally, using the
11 framework for action, we will discuss how
12 superintendents might go -- might best go
13 about promoting equity and building
14 support for equitable practices in their
15 districts.

16 So that paragraph is, like,
17 at the end of, I guess, what you would
18 call the introduction here.

19 Q. Sure. And just looking with
20 me at the abstract if you would.

21 Do you see where it says,
22 The article focuses on how equity
23 operates within and around issues of
24 community relations and social media and

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1 further considers the extent to which
2 these issues help obfuscate -- help or
3 obfuscate promoting equity and the
4 benefits and banes of superintendents
5 attempting to do so.

6 Do you see that?

7 A. Yes. You read that from the
8 abstract.

9 Q. And so this article
10 considers whether social media helps
11 promote equity?

12 ATTORNEY MEHRI: Objection.

13 THE WITNESS: So I haven't
14 had a chance to read the whole
15 article. So I can't really
16 comment on that. But if you give
17 me a minute, I'll -- I can -- I
18 can familiarize myself.

19 I don't draw that
20 conclusion, necessarily, from,
21 like, the abstract that you read,
22 that that's, like, the point of
23 the article. I don't think that
24 is -- that's the point.

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1 But, like I said, I
2 haven't -- I don't know this
3 article. So give me a minute.

4 BY ATTORNEY PISTILLI:

5 Q. Maybe I can help. If we
6 take a look at Page 16 on the screen.

7 Do you see where the article
8 says, More than three out of five
9 superintendents urged principals and
10 teachers to maintain social media
11 accounts to communicate with parents and
12 students?

13 A. I'm getting there. Hang on.
14 This is 16? I see, you've
15 highlighted it here. Let me just get the
16 context.

17 I see. So the article is --

18 ATTORNEY MEHRI: Is there a
19 question pending?

20 THE WITNESS: Oh. I beg
21 your pardon.

22 BY ATTORNEY PISTILLI:

23 Q. If you wanted to share
24 something about the article, please go

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1 ahead.

2 A. No. I'd rather be
3 responsive to your questions.

4 Q. Sure.

5 So do you understand that
6 this article is reporting that the
7 majority of America's superintendents
8 reported that social media was a valuable
9 communication tool?

10 ATTORNEY MEHRI: Objection.

11 THE WITNESS: I see here
12 that the article is examining --
13 and I still haven't read the whole
14 thing. I haven't had time to read
15 the whole thing.

16 But the article is looking
17 at ways that superintendents
18 address equity as an issue in
19 their school communities. And
20 among the many strategies that it
21 seems to describe in this article,
22 one is the intentional,
23 institutional, curated use of
24 social media accounts by

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1 educational leaders as a
2 communication tool with parents
3 and students.

4 I do see -- I do see that,
5 yes.

6 BY ATTORNEY PISTILLI:

7 Q. And, in fact, three out of
8 five superintendents were advocating for
9 the use of social media accounts to
10 communicate with parents and students,
11 right?

12 A. There --

13 ATTORNEY MEHRI: Objection.
14 Go ahead.

15 THE WITNESS: Sure. What
16 this article is reporting -- and,
17 again, I haven't had time to read
18 the whole thing or examine its
19 basis.

20 The members of the editorial
21 review board don't read all the
22 articles. That's not the role of
23 that position.

24 But now reading it in part

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1 here and seeing the part that
2 you've highlighted, I think what
3 you're pointing out is that
4 superintendents encourage
5 principals to use social media as
6 a communications tool.

7 And that does -- that does
8 comport with what I've -- that
9 does comport with an element of my
10 report.

11 ATTORNEY PISTILLI: Let's
12 take a look at Tab 6.

13 - - -

14 (Whereupon, Exhibit
15 Osborne-5, No Bates, Pioneering
16 Use of Technology Transforms
17 Teaching in New York Schools, was
18 marked for identification.)

19 - - -

20 BY ATTORNEY PISTILLI:

21 Q. I'm handing you what's been
22 marked as Exhibit-5.

23 A. Thank you.

24 Q. Do you recognize Exhibit-5?

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1 A. Hang on. Not immediately.

2 Yes. This was a long time
3 ago. Yes, I recognize Exhibit-5.

4 Well, hang on. I recognize
5 this first page.

6 ATTORNEY MEHRI: Chris, just
7 a quick question. Did you mean to
8 mark the back half of this with
9 all these photos?

10 ATTORNEY PISTILLI: I think
11 that's probably just the complete
12 document as it printed.

13 ATTORNEY MEHRI: Okay. It
14 seems to have a different date.
15 Like, the first few pages say
16 129 -- oh, those are Bates
17 numbers. Okay. I just wanted to
18 check that's what you intended.

19 BY ATTORNEY PISTILLI:

20 Q. Dr. Osborne, this is an
21 article you wrote entitled, Pioneering
22 Use of Technology Transforms Teaching in
23 New York Schools, right?

24 A. The first three pages is

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1 that, yes. I don't recognize the rest.

2 Q. And in this article, you
3 advocate for integrating technology in
4 the classroom, correct?

5 A. Give me a minute. This was,
6 like, ten years ago. So I want to be
7 accurate about what I said here.

8 Okay. Yes. This is -- I
9 wrote this in 2015.

10 Q. Right. And in 2015, before
11 you were hired by plaintiffs as an
12 expert, you advocated for integrating
13 technology into American classrooms,
14 right?

15 ATTORNEY MEHRI: Objection.

16 THE WITNESS: That's --
17 that's accurate. I did do that in
18 this article, and in other roles
19 that I held as well.

20 There was good reason to
21 believe that the educational
22 benefits in 2015 would be
23 transformative for learning and
24 education and that one of the

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1 primary equity concerns was
2 addressing the digital divide.

3 And as superintendent, what
4 I'm describing -- what I'm
5 describing in this article is how,
6 as superintendent, we increased
7 Internet access in our schools and
8 in the areas surrounding our
9 schools. And that would have been
10 in the '14/'15 school year.

11 BY ATTORNEY PISTILLI:

12 Q. And you also advocated for
13 reinforcing ways to harness the powerful
14 resources for learning that exist in the
15 increasingly technology-rich world,
16 right?

17 A. Sorry. Where are you
18 looking here?

19 Q. The last sentence of your
20 article.

21 A. The last sentence.

22 What's your question?

23 Q. So you advocated, before you
24 were hired as an expert in this

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1 litigation, for harnessing the powerful
2 resources for learning that exist in the
3 increasingly technology-rich world,
4 right?

5 ATTORNEY MEHRI: Objection.
6 Go ahead.

7 THE WITNESS: Yes.

8 ATTORNEY PISTILLI: Let's go
9 ahead and take a look at Tab 9.

10 - - -

11 (Whereupon, Exhibit
12 Osborne-6, No Bates, Materials
13 Considered List, was marked for
14 identification.)

15 - - -

16 BY ATTORNEY PISTILLI:

17 Q. I'm handing you a document
18 that's been marked as Exhibit-6.

19 Do you recognize this
20 document?

21 A. Yes. This is the materials
22 considered list.

23 Q. Who generated this list?

24 A. I generated this list.

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1 Q. How did you determine which
2 documents to include on this list?

3 A. Okay. So the documents I
4 included in this list came from -- oh, I
5 see.

6 I included on this list
7 documents that I accessed or skimmed or
8 looked at when I was generating the
9 report. Some of them might not have
10 gotten into the citations, but I did look
11 at them.

12 Q. And is this a complete list
13 of all the materials you considered in
14 forming your opinions?

15 A. Yes, to the best of my
16 knowledge, it is -- should be, yeah.

17 Q. How did you go about
18 deciding which documents to review for
19 purposes of drafting your report?

20 A. For purposes of drafting my
21 report, I found documents mostly using
22 Google Scholar. I put in keywords.

23 I mean, some of them I knew
24 and I was familiar with. So I wanted to

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1 establish, like, a baseline understanding
2 of what school leader and
3 superintendents' responsibilities were.

4 So I went to documents that
5 I understood to be, like, source
6 documents for that. For example, the --
7 like, the National Standards documents.

8 And then for the ones that
9 were, you know, more outside the scope of
10 my experience but that I wanted to learn
11 about for purposes of understanding
12 better how social media impacts the work
13 of leaders and schools, I did a search
14 using Google Scholar.

15 Q. Because that was not
16 previously within the scope of your
17 experience?

18 ATTORNEY MEHRI: Objection.

19 THE WITNESS: I don't know
20 what you mean by that.

21 BY ATTORNEY PISTILLI:

22 Q. You referred to those as --
23 that as a topic that was more outside the
24 scope of your experience that you wanted

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1 to learn about, correct?

2 A. The -- I wanted to do a
3 literature review to understand better
4 what the impact of the design features of
5 the platforms were, you know, like, what
6 the harms were.

7 And what I learned from the
8 literature -- much of what I learned from
9 the literature, there was a convergence
10 with the experience that I was having as
11 I interacted with educational leaders on
12 a regular basis over those six years and
13 even back to when I was superintendent in
14 New Rochelle.

15 Like, much of the
16 frustrations and the impact that I was
17 seeing in the schools or that was
18 reported to me by school leaders or part
19 of my interaction with them as I
20 developed, worked -- endeavored to
21 develop their leadership effectiveness,
22 the literature review, then, added to my
23 knowledge base, sort of insight into some
24 of the design of the features and how the

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1 features were, basically, intentionally
2 engineered to prolong students'
3 engagement on the platforms. So that was
4 one convergence also.

5 And then the -- there's a
6 long list of depositions considered here.
7 And I skimmed a lot of these. I didn't
8 read them all carefully.

9 But I looked at the specific
10 kind of instances that the school
11 district representatives were testifying
12 to. And what I found was that the
13 experience that I had and the patterns
14 that I recognized and the literature and
15 the reports from, like, the Surgeon
16 General, that kind of thing, and the
17 testimony on record were all converging
18 in ways that really provided sort of,
19 like, a reflection of or even validation
20 of what I was seeing school leaders
21 dealing with.

22 So that's why I did the
23 literature review. Because up until
24 doing the literature review, I wasn't,

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1 like, really well informed about the
2 linkages between the platform features
3 and the students' compulsive personal use
4 of social media that I knew was having a
5 big impact on schools.

6 But the convergence of these
7 things sort of formed the basis for the
8 opinions that I offered in my report.

9 Q. Right. But just so we're
10 clear, you referred to needing to do the
11 literature review because it was outside
12 the scope of your experience.

13 And you were referring,
14 then, to the impact of platform design on
15 students, correct?

16 A. Yeah. I guess what I meant
17 to say was outside my expertise. And
18 because I hadn't -- up until, really,
19 doing this literature review, I hadn't
20 read much of the peer-reviewed literature
21 that shows that the features in the
22 social media platforms are heavily linked
23 to students' compulsive use of social
24 media.

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1 What I -- what that did for
2 my understanding was validate a lot of
3 the interactions that I had with school
4 leaders. Like, oh, no wonder they're
5 having such a problem with this. Like, I
6 knew the problem was there and existed,
7 you could see it in the work that the
8 school leaders were doing.

9 But the understanding of the
10 specific intentional design features was
11 something that really came out of the
12 literature for me.

13 Q. Right. But just so we're
14 clear, you're not here today as an expert
15 in platform design, right? We already
16 agreed to that?

17 A. Oh, yes. I'm not an expert
18 in the platform design.

19 Like, I -- I read literature
20 from people who researched this. That
21 would not make me an expert. But it
22 would make me have, like, some knowledge
23 into some of those linkages that they
24 found in their research.

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1 Q. So getting back to your
2 materials considered list.

3 Did you request any
4 documents from plaintiffs' counsel?

5 A. Yeah. I requested the --
6 the depositions. Because I thought it
7 would be good for me to see what the
8 school and school district leaders were
9 putting on the record as a way to sort of
10 triangulate what I was seeing in my
11 interactions with school leaders and my
12 direct observations of schools and then
13 what they were reporting, as well as sort
14 of what the -- what the literature was
15 showing.

16 So that -- that
17 triangulation or convergence, like, the
18 way that those sort of streams of
19 evidence and knowledge came together for
20 me is what led to the opinions in my
21 report.

22 Q. Did you request any primary
23 documents from the school districts?

24 ATTORNEY MEHRI: Objection.

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1 THE WITNESS: What are
2 primary documents?

3 BY ATTORNEY PISTILLI:

4 Q. Rather than deposition
5 testimony, actual documents produced by
6 the school districts.

7 ATTORNEY MEHRI: Objection.
8 Go ahead.

9 THE WITNESS: What do you
10 mean?

11 BY ATTORNEY PISTILLI:

12 Q. So you're aware that, for
13 instance, school districts have annual
14 budgeting processes and, you know,
15 publish various documents around that,
16 right?

17 A. Oh, yes.

18 Q. Yes.

19 And they have policy and
20 procedure documents?

21 A. Yes.

22 Q. Did you request any of those
23 sorts of materials for any of the school
24 district plaintiffs?

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1 A. No. I didn't think that
2 that was necessary.

3 Q. Were there any documents you
4 asked the plaintiffs' lawyers for that
5 they didn't give you?

6 A. I don't think so. Not that
7 I recall.

8 ATTORNEY PISTILLI: Let's
9 take a look at Tab 10.

10 - - -

11 (Whereupon, Exhibit
12 Osborne-7, No Bates, 5/16/25
13 Expert Report of Brian G. Osborne,
14 was marked for identification.)

15 - - -

16 BY ATTORNEY PISTILLI:

17 Q. I'm handing you what we're
18 marking as Exhibit-7.

19 Is Exhibit-7 a copy of the
20 report you submitted in this case?

21 A. Yes, it appears so.

22 Q. You submitted this report on
23 May 16, 2025?

24 A. Yes.

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1 Q. And is there anything in
2 your report that you need to correct?

3 A. There is. There are a
4 couple of places where I found that the
5 references, the citation text itself
6 is -- is incorrect.

7 Q. What are those?

8 A. I don't remember exactly.
9 But there's a couple -- there's a couple,
10 like, places where there's a year wrong
11 or the author's name is wrong or
12 something like that.

13 But other than that, the
14 opinions in the text of the report, I
15 stand by that.

16 - - -

17 (Whereupon, Exhibit
18 Osborne-8, No Bates, 7/30/25
19 Rebuttal Expert Report of Brian G.
20 Osborne, was marked for
21 identification.)

22 - - -

23 BY ATTORNEY PISTILLI:

24 Q. I'm going to hand you what

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1 has been marked as Exhibit-8, which is
2 Tab 11.

3 A. Thank you.

4 Q. Is this the rebuttal report
5 that you submitted in this litigation?

6 A. This is my reply to the 13
7 rebuttal reports, yes.

8 Q. And you submitted this on
9 July 30 of 2025?

10 A. Yes.

11 Q. Anything you need to amend
12 or correct in this report?

13 A. I don't think so, no.

14 Q. Did you author these reports
15 yourself?

16 A. Yes.

17 Q. Did anyone assist you in the
18 drafting of the reports?

19 A. No.

20 Q. Did the lawyers play any
21 role in the drafting process?

22 A. They did not -- some light
23 editing.

24 Q. Is there any opinion that

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1 you currently plan to offer at trial
2 that's not contained in your two reports?

3 A. No.

4 Q. Let's go back to your
5 opening report, Tab 10, Exhibit-7, and
6 take a look at Page 5.

7 A. Okay.

8 Q. Do you see where you wrote,
9 In preparing this report, I relied on a
10 combination of professional expertise,
11 field-based knowledge, review of relevant
12 materials and current research in
13 educational leadership, educational
14 operations and student well-being?

15 Do you see that?

16 A. Yes.

17 Q. And does that accurately
18 describe the methodology you used in your
19 reports?

20 A. It's not a complete
21 explanation of the methodology. But that
22 is the sources that I used, yes.

23 Q. Well, let's take a look at
24 the different sources you list.

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1 You say you consulted
2 peer-reviewed studies, national surveys,
3 professional standards documents, such as
4 PSEL, and public reporting from
5 organizations like the Pew Research
6 Center. These resources confirmed and
7 contextualized my experience in the
8 field.

9 Do you see that in Paragraph
10 18?

11 A. That's Paragraph 18?

12 Yes, I see that.

13 Q. And are those the public
14 sources that you reviewed to form your
15 opinions in this case?

16 A. Yes.

17 Q. And those sources generally
18 discuss national trends or general
19 professional standards, right?

20 A. Some of them do.

21 Q. None of them are specific to
22 any of the plaintiff school districts in
23 this case, correct?

24 A. Not to my knowledge, no.

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1 Q. And in your original report,
2 you don't discuss any potential
3 alternative causes to the alleged harm on
4 students in schools that you address in
5 your report, correct?

6 A. I think I do touch on that.
7 One minute. Let me find it.

8 Okay. I must have done that
9 in the other report. Sorry to take all
10 that time, but I thought I had it here.

11 Okay. Thanks for letting me
12 look through this. I think I was
13 thinking of the -- of the reply.

14 Q. So in forming your opinions
15 that you offered in your opening report,
16 you don't consider any potential
17 alternative causes, correct?

18 A. I was --

19 ATTORNEY MEHRI: Objection.
20 Go ahead.

21 THE WITNESS: Sorry.

22 I was looking at the --
23 specifically, I was looking at the
24 impact of compulsive personal

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1 social media use by students.

2 That was the -- sort of the scope
3 of the task.

4 BY ATTORNEY PISTILLI:

5 Q. Did the scope of the task
6 understand -- involve understanding
7 alleged mental health harms that school
8 districts were dealing with?

9 A. Sorry, would you ask me that
10 again?

11 Q. Sure.

12 Did the scope of your
13 assignment include looking at alleged
14 mental health harms that the plaintiff
15 school districts were experiencing and
16 responding to?

17 ATTORNEY MEHRI: Objection.

18 THE WITNESS: In -- in part.

19 But the scope was about the
20 students' compulsive personal use
21 of social media and its impact on
22 the work of school leaders and
23 school district leaders.

24 BY ATTORNEY PISTILLI:

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1 Q. Are you offering any
2 opinions that student mental health harms
3 have impacted schools and school leaders?

4 ATTORNEY MEHRI: Objection.

5 THE WITNESS: Yes, I think
6 so.

7 Opinion 1 is the emotionally
8 destabilizing effects of social
9 media, particularly students'
10 compulsive use -- oh, wait, this
11 may be more.

12 I think this is -- the
13 emotional destabilizing effects of
14 social media, particularly
15 students' compulsive use, fear of
16 exposure, exclusion or public
17 shaming are now shaping behavior
18 and mental health in ways that
19 fundamentally disrupt school
20 operations, school climate, and
21 the educational experience.

22 So that's the first opinion
23 that I offer. And I think you're
24 asking me if I offer an opinion

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1 about how mental health is
2 affecting school district
3 operations or school leaders or,
4 like, the other things that I
5 looked at.

6 BY ATTORNEY PISTILLI:

7 Q. Yes. I'm asking, are you
8 offering the opinion that schools have
9 been impacted as a result of student
10 mental health harms?

11 ATTORNEY MEHRI: Asked and
12 answered.

13 THE WITNESS: Yeah. I mean,
14 I'm happy to read this again, if
15 you want. This is my opinion.
16 The text is here.

17 BY ATTORNEY PISTILLI:

18 Q. And your opinion refers to
19 behavioral and -- and mental health
20 issues.

21 And so my question is
22 whether you made any effort to determine
23 whether it was, in fact, social media
24 causing the behavioral and mental health

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1 issues as opposed to any potential other
2 causes of behavioral and mental health
3 issues?

4 A. That was a really long
5 question. Would you, like, help me
6 understand your question?

7 Q. Sure.

8 So did you consider whether,
9 in fact, any behavioral and mental health
10 issues that were impacting school
11 districts were, in fact, caused by
12 something other than social media in the
13 course of forming your opinions in this
14 case?

15 A. I see.

16 I looked at the impact of
17 the students' compulsive personal social
18 media use on school district operations
19 and on the work of leaders. And in
20 the -- in the reading that I did from the
21 research literature, in the examination
22 of testimony on the record from school
23 district and school leaders, and in my
24 own interactions with lots and lots of

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1 school leaders or aspiring school leaders
2 or district leaders over the course of
3 the last six years, it's clear to me that
4 the mental health harms and the impact on
5 school district operations that is
6 attributable to the students' compulsive
7 social media use is a specific, unique,
8 qualitatively different problem than many
9 of the others that form the context in
10 which public education functions.

11 So while your question is,
12 did I consider other factors. I mean,
13 it's always in my work, other factors.
14 But the scope of this was about social
15 media use.

16 And as I wrote in my reply,
17 the social media use is of a different
18 quality than many of the other factors
19 that the rebuttal reports -- reports took
20 great pains to identify.

21 It's unique in its effect on
22 the student body and on school
23 operations. It also exacerbates,
24 basically, all the other problems that

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1 you're likely to name next.

2 And unlike many of the other
3 ills that students face and that create
4 issues for schools and school districts,
5 the prolonged engagement leading to
6 compulsive use of social media is
7 predictable by design and known.

8 So that's -- yeah. That's
9 my answer to your question.

10 Q. How do you know that social
11 media is unique if your methodology
12 didn't involve even considering other
13 potential causes of student mental health
14 issues?

15 ATTORNEY MEHRI: Objection.

16 THE WITNESS: I think that
17 mischaracterizes my methodology.

18 One part of my methodology
19 was doing a literature review.
20 And you asked how I found the
21 literature. I told you that I
22 used Google Scholar, and I looked
23 for research articles that were
24 about student mental health and

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1 social media so that I could
2 understand that interaction.

3 But there's other parts of
4 my methodology that inform my
5 opinion, my claim that the
6 compulsive personal use of social
7 media by students is creating new
8 harms to school district
9 operations and the work of school
10 leaders, as well as exacerbating
11 other problems that exist in the
12 context of public education.

13 And that part of the
14 methodology comes from -- largely
15 from my experience of interacting
16 with school and school district
17 leaders, a career of working on
18 improving educational outcomes for
19 all students, as well as my
20 reading of the testimony on
21 record.

22 BY ATTORNEY PISTILLI:

23 Q. Let's take a look at
24 Paragraph 15 of your report.

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1 Sorry. My apologies.
2 Let's -- if we could switch over to
3 Exhibit-8, let's take a look at
4 Paragraph 15 of your rebuttal report.

5 And this, again, is a
6 portion of your report describing your
7 methodology, correct?

8 A. This describes a bit about
9 the -- my approach to the leadership
10 advising I do in my capacity as a teacher
11 of graduate students who are aspiring
12 leaders or the direct support that I
13 provide, usually as an executive coach or
14 a provider of professional development
15 for new leaders, or, sometimes, leaders
16 who are -- who are struggling with
17 different issues.

18 That's what -- that's what
19 this describes here, as opposed to my
20 methodology for the report as a whole.

21 Q. So just so I'm clear, you're
22 saying this describes the methodology
23 that you use in your professional
24 consulting work, correct?

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1 ATTORNEY MEHRI: Objection.

2 THE WITNESS: Yeah, so the
3 beginning of the paragraph says,
4 This kind of leadership advising.

5 And the "this kind of
6 leadership advising" is a
7 reference back to the prior
8 paragraph where I put, Overall, I
9 have substantial experience
10 working directly with the school
11 and school district -- with school
12 and district leaders to navigate
13 real-world educational challenges.

14 And I added this here
15 because the work that I do when
16 I'm supporting those school and
17 district leaders is not haphazard.
18 It is dependent on methodology
19 that is core to the field of
20 educational leadership study, even
21 though my role as a practitioner
22 and not an academic is not to
23 produce research studies but,
24 rather, to try to help the leader

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1 who I'm working with directly.

2 Nevertheless, I draw from a
3 tradition of methodology that is
4 well established in the field of
5 study of educational leadership.

6 BY ATTORNEY PISTILLI:

7 Q. And is that same methodology
8 that you rely on in working with school
9 districts the methodology and experience
10 that you are bringing to bear in forming
11 your opinions in this case?

12 ATTORNEY MEHRI: Objection.

13 THE WITNESS: Yes, in part.
14 I think I described before how the
15 evidence based -- base that leads
16 to my opinions is really a
17 convergence of, essentially, four
18 different things.

19 One is my experience as a
20 superintendent -- well, as an
21 educator and, in part, a
22 superintendent.

23 Second, the work that I do
24 as an educational consultant,

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1 especially in my capacity as
2 executive coach but also other --
3 other related work.

4 Third, the literature review
5 that I did after being prompted
6 to -- to engage in this task for
7 this case.

8 And, fourth, the testimony
9 on record from school and school
10 district leaders.

11 These things converged in a
12 way that leads to a reliability
13 and a rigor and resulted in my --
14 in the opinions that I offered in
15 my report.

16 BY ATTORNEY PISTILLI:

17 Q. Sure. And when you are
18 serving as a consultant to school
19 districts, the structured approach that
20 you employ draws from data when
21 available, correct?

22 ATTORNEY MEHRI: Objection.

23 THE WITNESS: I suppose when
24 relevant. Like, it depends on

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1 what the school district leader is
2 grappling with.

3 So if a school district
4 leader is needing to plan some
5 professional development that's
6 data informed or present results
7 that are based on data, then they
8 may want me to provide support to
9 them in their engagement with that
10 data.

11 So that's a way in which I
12 guess what you're calling data
13 would be -- would be used.

14 I would also call data
15 the -- my direct observations of
16 the context in which the leader is
17 working. So my executive coaching
18 is not only one-on-one
19 conferencing with the leader, but
20 I want to make sure that I get a
21 fuller picture by coupling that
22 with direct observations of their
23 leadership and practice.

24 And that kind of

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1 triangulation, if you will, is
2 part of the discipline of study of
3 educational leadership.

4 BY ATTORNEY PISTILLI:

5 Q. In Paragraph 15 of your
6 rebuttal report you wrote, I use a
7 structured approach that draws from data
8 when available, such as survey feedback,
9 district documents, correct?

10 A. It does say that, yes.

11 Q. And that's an accurate
12 description of the work that you do
13 advising school leaders and school
14 districts, correct?

15 A. It -- it can be a part, yes.

16 So the structured approach
17 that I'm trying to describe here, it may
18 vary by context, but it includes sort of
19 multiple ways of interacting with that
20 school leader, understanding the context
21 that the district is in.

22 So if a superintendent is
23 considering a policy change on something
24 that would have -- that would impact on

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1 the entire community, then they might
2 collect survey feedback about that. And
3 I would engage with that leader to look
4 at their -- their documents, like, what
5 does their policy say? What does the
6 survey say? What are their people saying
7 across the schools? Like, what do the
8 teachers say? What does the teachers'
9 union say? So that they're collecting a
10 variety of perspectives and data on
11 whatever the particular problem or
12 practice is that they're trying to
13 address.

14 Q. Right. Because district
15 documents that shed light on the issues a
16 school district is confronting are
17 relevant to the work you do in
18 consulting, correct?

19 ATTORNEY MEHRI: Objection.

20 THE WITNESS: Often, yes.

21 BY ATTORNEY PISTILLI:

22 Q. Are you aware that the six
23 bellwether school district plaintiffs in
24 this case have produced nearly 900,000

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1 documents in this litigation?

2 A. No. That's a lot of
3 documents. No, I wasn't aware.

4 Q. And you reviewed zero of
5 them; is that right?

6 A. I didn't see it as necessary
7 for my role in the -- in producing my
8 opinions.

9 Q. Let's go back to Exhibit-7,
10 if we could. Take a look at Paragraph 65
11 on Page 18, if you would.

12 Do you see where you wrote,
13 The mental health toll on young people
14 caused by social media use has resulted
15 in student emotional needs that, in many
16 schools, overwhelm the capacity of
17 school-based mental health providers, who
18 often serve as the primary providers of
19 youth mental health services?

20 Do you see that?

21 A. I do.

22 Q. But you don't know how many
23 school-based mental health providers any
24 of the six bellwether school districts

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1 have, right?

2 A. I do not know that specific
3 information, no.

4 Q. You haven't reviewed any
5 documents relating to the school-based
6 mental health providers at any of the six
7 bellwether plaintiff districts, correct?

8 A. I didn't see that as
9 necessary to my task.

10 Q. So, then, I take it you're
11 not offering an opinion that the capacity
12 of school-based mental health providers
13 in any of the six plaintiff districts
14 have been overwhelmed, correct?

15 ATTORNEY MEHRI: Objection.

16 Asked and answered.

17 THE WITNESS: What I'm
18 offering is an opinion that this
19 is common to schools. It's common
20 to the schools that I've seen in
21 my interactions with school
22 leaders and visits to schools.

23 It appears in the
24 literature. And it is also

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1 evident in the testimony on
2 record.

3 So as to the specifics of
4 those particular schools, as I
5 already said, I didn't review
6 those specifics. But there is a
7 generalized pattern that is
8 unmistakable that the mental
9 health providers in the school are
10 often maxed out because of the
11 mental health issues that the
12 research shows are clearly linked
13 to the students' compulsive
14 personal use of social media.

15 BY ATTORNEY PISTILLI:

16 Q. But just to -- to make sure
17 it's clear to the jury, whether that
18 general trend is true at any of the six
19 specific plaintiffs in this case, that's
20 not something you looked at?

21 ATTORNEY MEHRI: Objection.

22 Mischaracterizes the testimony.

23 THE WITNESS: That isn't
24 something that I looked at. It

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1 would be a supposition.

2 The prevalence is undeniable
3 across schools. So although it
4 would be supposition, it would not
5 be surprising if that is the case.

6 And testimony on the record,
7 I think from others, may
8 demonstrate that that is so.

9 BY ATTORNEY PISTILLI:

10 Q. But for you, it would just
11 be a supposition?

12 A. It wasn't --

13 ATTORNEY MEHRI: Objection.

14 THE WITNESS: Sorry.

15 It wasn't within the scope
16 of the task that I took on.

17 ATTORNEY PISTILLI: Let's
18 take another quick break.

19 VIDEO TECHNICIAN: The time
20 is 11:34 a.m. This is the end of
21 Media 2, and we are going off the
22 record.

23 - - -

24 (Whereupon, a brief recess

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1 was taken.)

2 - - -

3 VIDEO TECHNICIAN: The time
4 is 11:50 a.m. This is the
5 beginning of Media 3, and we're
6 going back on the record.

7 BY ATTORNEY PISTILLI:

8 Q. If we could continue looking
9 at Exhibit-7, Page 18, please. And in
10 particular, I'd draw your attention to
11 Paragraph 66.

12 You wrote, Student social
13 media use has led to attention span
14 deficiencies that hinder learning
15 objectives and negatively impact teacher
16 morale.

17 Do you see that?

18 A. Yes.

19 Q. Did you look at any
20 documents or data regarding teacher
21 morale for any of the six plaintiff
22 school districts?

23 ATTORNEY MEHRI: Objection.

24 THE WITNESS: No, I didn't

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1 look at documents pertaining to
2 the six districts. I didn't think
3 it was necessary for the task.

4 BY ATTORNEY PISTILLI:

5 Q. So you don't have any
6 understanding as to teacher morale in
7 those six specific districts, correct?

8 A. My understanding of teacher
9 morale is more general and draws from the
10 sources of evidence that I've already
11 cited.

12 Q. None of which relate to the
13 six specific plaintiffs, correct?

14 ATTORNEY MEHRI: Objection.

15 THE WITNESS: They -- you're
16 asking if I looked at documents
17 from the six plaintiff districts?

18 You've asked me several
19 times. I've answered the same way
20 every time. I didn't look at any
21 of those documents.

22 You can keep asking me if
23 you want.

24 BY ATTORNEY PISTILLI:

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1 Q. So any -- any opinions
2 regarding teacher morale for the six
3 specific districts would be a supposition
4 on your part?

5 ATTORNEY MEHRI: Objection.

6 THE WITNESS: It would be.
7 It's my understanding that
8 plaintiffs have other experts that
9 looked at district-specific data.

10 BY ATTORNEY PISTILLI:

11 Q. Take a look now with me, if
12 you would, at Paragraph 67.

13 You wrote, Third, routine
14 discipline issues have escalated in both
15 frequency and intensity.

16 Do you see that?

17 A. I do.

18 Q. Do you have a general
19 understanding that school districts
20 maintain documents and data regarding
21 disciplinary issues?

22 A. Schools and districts
23 maintain documents regarding disciplinary
24 issues, yes.

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1 Q. And do you have an
2 understanding as to whether any of the
3 six plaintiffs maintain such documents?

4 A. Only insofar as they're
5 public school entities; and in my
6 experience, basically, a lot of them do
7 to some extent.

8 Q. But you've not reviewed any
9 documents or data from any of the six
10 plaintiffs relating to discipline issues,
11 correct?

12 ATTORNEY MEHRI: Objection.

13 THE WITNESS: No, I've not
14 looked at any documents or data
15 from the six school districts.

16 BY ATTORNEY PISTILLI:

17 Q. So as to those six districts
18 specifically, you don't have any
19 information regarding the frequency and
20 intensity of disciplinary issues,
21 correct?

22 ATTORNEY MEHRI: Objection.

23 THE WITNESS: From the six
24 specific districts, I don't have

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1 any direct information that is
2 about those particular districts.
3 I didn't see that as necessary for
4 the task.

5 BY ATTORNEY PISTILLI:

6 Q. And then in Paragraph 68,
7 you reference bullying.

8 You also don't have any
9 information about bullying for any of the
10 six plaintiff school districts, correct?

11 ATTORNEY MEHRI: Objection.

12 THE WITNESS: My
13 observations here and the opinions
14 that I offer are generalized
15 across public schools. I don't
16 have specific information
17 regarding those instances in the
18 six school districts.

19 I didn't review any
20 documents of those districts. I
21 didn't think it was necessary for
22 the task.

23 BY ATTORNEY PISTILLI:

24 Q. So sitting here today, you

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1 don't know whether social media has
2 facilitated and amplified bullying for
3 any of the six specific plaintiff school
4 districts, correct?

5 ATTORNEY MEHRI: Objection.

6 THE WITNESS: Looking at the
7 effects of social media and its
8 use on the six districts in
9 particular was not within the
10 scope of my task.

11 Rather, I looked at the
12 impact of compulsive personal
13 social media use by students on
14 schools and the work that school
15 leaders do, school and school
16 district operations more
17 generally.

18 BY ATTORNEY PISTILLI:

19 Q. You don't know what work
20 schools and school districts have done
21 specifically at any of the six plaintiff
22 school districts, correct?

23 ATTORNEY MEHRI: Objection.

24 THE WITNESS: Correct. As I

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1 stated before, I didn't talk with
2 anyone from those six districts.
3 I didn't review any documents from
4 those six districts. I didn't
5 think that it was necessary for
6 the task.

7 BY ATTORNEY PISTILLI:

8 Q. Sure. If we could turn to
9 Page 21 and look at Paragraph 75.

10 You see where you wrote,
11 These effects are not abstract. They
12 manifest in schools every day through
13 reduced student focus, escalating peer
14 conflict, emotional dysregulation, and
15 rising demand for mental health services.

16 Do you see that?

17 A. Yes. Well put.

18 Q. And am I correct that you
19 didn't look at any documents or data
20 relating to whether there's been reduced
21 student focus at any of the six specific
22 plaintiff school districts, correct?

23 A. That's right. I didn't look
24 at whether there was any data regarding

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1 reduced student focus at any of the six
2 specific districts.

3 My report is more
4 generalized than that. I didn't think
5 looking at those specific districts was
6 necessary for the task.

7 Q. So you don't know whether
8 there is reduced student focus at any of
9 the six specific plaintiff districts,
10 correct?

11 ATTORNEY MEHRI: Objection.

12 THE WITNESS: What I know is
13 that in schools there's a link
14 between students' compulsive
15 personal use of social media and
16 reduced student focus and that
17 that is a present reality in all
18 the schools that I've worked in
19 and the schools that my graduate
20 students who are aspiring leaders
21 work in.

22 BY ATTORNEY PISTILLI:

23 Q. But it would be supposition
24 on your part to say that there was

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1 reduced student focus specifically in any
2 of those six districts, because you've
3 never looked at any information relevant
4 to that, correct?

5 ATTORNEY MEHRI: Objection.
6 Mischaracterizes the testimony.

7 THE WITNESS: While it would
8 not be a difficult extrapolation
9 to make, I don't make it here.

10 BY ATTORNEY PISTILLI:

11 Q. So you're not offering the
12 opinion that there's reduced student
13 focus, escalating peer conflict,
14 emotional dysregulation at any of the six
15 specific plaintiffs, correct?

16 A. What I'm offering is that
17 the effects of students' personal
18 compulsive social media use manifest in
19 schools every day through reduced student
20 focus, escalating peer conflict,
21 emotional dysregulation and rising demand
22 for health services.

23 My claims are from the
24 literature that I read, the testimony

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1 that I reviewed, and my own experience as
2 superintendent, as well as an educational
3 consultant working in many schools of
4 different types over a long period of
5 time and interacting with many leaders
6 and aspiring leaders within those school
7 environments.

8 The research that I've read
9 and the experience that I have did not,
10 to my knowledge, specifically include the
11 six districts.

12 The testimony that I
13 reviewed may have. But I don't recall,
14 because at that point I think I reviewed
15 testimony from plaintiff districts that
16 may not have been in the six.

17 Q. So let's focus for a minute
18 on the rising demand for mental health
19 services.

20 You didn't look at any
21 documents or data relating to the demands
22 for mental health services at any of the
23 six plaintiff school districts, correct?

24 A. I did not look at documents

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1 related to the demand -- rising demand
2 for mental health services in any of the
3 six districts. I didn't see that as
4 necessary to the task.

5 Q. So you don't have any basis,
6 sitting here today, to say there is a
7 rising demand at any of the six specific
8 plaintiff school districts, correct?

9 ATTORNEY MEHRI: Objection.

10 THE WITNESS: I didn't
11 review any documents from the six
12 districts. I didn't interview any
13 people from the six districts. I
14 can't claim specifically that
15 there is a rise in demand for
16 mental health services in the six
17 districts.

18 What I can say is that based
19 on my experience, my interactions
20 with school leaders and aspiring
21 school leaders, my review of the
22 research and my reading of the
23 testimony on record is that
24 there's a convergence of evidence

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1 that demonstrates rising demand
2 for mental health services to meet
3 the needs that are created by the
4 students' compulsive use of social
5 media that I understand, from the
6 literature, is linked to the
7 design features of the platforms.

8 And I can say that across
9 the scope of evidence that I was
10 considering to reach my opinions.
11 I think it would not be hard to
12 extrapolate that there is likely
13 to be, in the six districts, a
14 rising demand for mental health
15 services.

16 But that was outside of the
17 scope of what I looked at
18 specifically, because I didn't
19 think that it was necessary to the
20 task.

21 BY ATTORNEY PISTILLI:

22 Q. All right. So just so it's
23 clear to the jury, you can't claim that
24 there is a rise in demand for mental

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1 health services in the six districts,
2 correct?

3 ATTORNEY MEHRI: Objection.

4 Asked and answered.

5 THE WITNESS: I think I
6 would answer the question the same
7 way that I just did.

8 BY ATTORNEY PISTILLI:

9 Q. If you could turn back to
10 Page 17. Take a look at Opinion 1.

11 Do you see where you write,
12 The emotionally destabilizing effects of
13 social media, particularly students'
14 compulsive use, fear of exposure,
15 exclusion or public shaming, are now
16 shaping behavior and mental health in
17 ways that fundamentally disrupt school
18 operations, school climate and the
19 educational experience.

20 Do you see that?

21 A. I do. Well put.

22 Q. Did you look at any
23 documents or data relating specifically
24 to whether and to what extent students in

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1 any of the six specific school districts
2 at issue here engage in, quote/unquote,
3 compulsive use?

4 A. I didn't look at any data or
5 documents regarding students' compulsive
6 use specific to the six districts.

7 I didn't think that that was
8 necessary for the task.

9 Q. And so, then, I take it the
10 same is true for fear of exposure,
11 exclusion or public shaming, you didn't
12 look at anything specific to the six
13 districts, correct?

14 ATTORNEY MEHRI: Objection.

15 THE WITNESS: I didn't look
16 at anything specific to the six
17 districts in terms of documents or
18 direct reports or observation
19 regarding fear of exposure,
20 exclusion or public shaming in the
21 six particular districts.

22 I didn't think that it was
23 necessary to the task. And I
24 understand other plaintiff experts

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1 have done so.

2 BY ATTORNEY PISTILLI:

3 Q. So, then, I take it, sitting
4 here today, you don't know whether school
5 operations, school climate and the
6 educational experience have been
7 disrupted at any of these six specific
8 school districts, correct?

9 ATTORNEY MEHRI: Objection.

10 THE WITNESS: What I know is
11 that, by and large, across schools
12 and school districts, public
13 education, are experiencing
14 disruption in school operations
15 and school climate and in the
16 educational experience,
17 attributable to students'
18 compulsive personal use of social
19 media that is driven by the design
20 features in the platforms.

21 And I reached that opinion
22 based on my personal experience,
23 the interactions that I've had
24 with school leaders and aspiring

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1 school leaders on a regular basis
2 over a long period of time in a
3 variety of schools and school
4 districts, my review of the
5 literature and my reading of the
6 testimony on record.

7 It would not be a difficult
8 extrapolation to suppose that
9 that's happening in the six
10 districts as well. But I am not
11 prepared to make that claim today.

12 BY ATTORNEY PISTILLI:

13 Q. So you've not done the work
14 to know whether there are school
15 operations, school climate and
16 educational experience disruptions
17 specifically in any of the six districts,
18 correct?

19 ATTORNEY MEHRI: Objection.
20 Asked and answered.

21 THE WITNESS: I would answer
22 verbatim with the answer that I
23 just gave.

24 BY ATTORNEY PISTILLI:

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1 Q. You didn't look at any
2 documents or data from any of the six
3 districts relating in any way to
4 disruptions of school operations, school
5 claimant or educational experience,
6 correct?

7 A. I did not look at any data
8 specific to the six districts nor talk
9 with anyone in the six districts, because
10 I didn't think that that was necessary
11 for the task.

12 Q. If you could please turn to
13 Page 21. Take a look at Opinion 2.

14 You write, The cumulative
15 impact of social media saturation and its
16 associated emotional strain diminishes
17 educator morale, increases staff burnout,
18 contributes to a pervasive sense of
19 instability in school environments.

20 Do you see that?

21 A. Yes. Well put.

22 Q. Did you look at any
23 documents or data relating to educator
24 morale in any of the six plaintiff school

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1 districts?

2 A. I did not look at any data
3 related to educator morale in the six
4 specific school districts.

5 I didn't think that that was
6 necessary to the task.

7 Q. You didn't look at any
8 documents either, right?

9 A. I beg your pardon?

10 Q. You said you didn't look at
11 data.

12 My question was about
13 documents and data. So I just want to
14 make sure the record is clear.

15 You didn't look at any
16 documents or data relating to educator
17 morale, correct?

18 A. I looked at a lot of data --
19 a lot of documents related to the impact
20 of students' compulsive personal use of
21 social media.

22 And among the documents that
23 I looked at, one of the adverse impacts
24 is on educator morale and staff burnout,

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1 insofar as teachers are now needing to
2 instruct students who are experiencing
3 fragmented attention and increased
4 anxiety to scale.

5 I looked at -- I looked at
6 documents related to that --

7 Q. So my --

8 A. -- in the research.

9 A. It's in my --

10 Q. My question was --

11 A. -- materials considered
12 list.

13 Q. My question, sir, was --

14 ATTORNEY MEHRI: Let him
15 answer the question.

16 THE WITNESS: I'm done.

17 Thank you.

18 BY ATTORNEY PISTILLI:

19 Q. -- specifically, did you
20 look at any documents or data relating to
21 educator morale at the six school
22 district plaintiffs?

23 A. Oh, I see. I think you
24 asked it differently before.

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1 I did not look at any
2 documents or data related to educator
3 morale in the six specific districts.

4 I did not think that it was
5 necessary to the task.

6 Q. And is the same true for
7 staff burnout?

8 A. Are you asking me whether I
9 reviewed data or documents related to
10 staff burnout in any of the six specific
11 districts?

12 Q. Yes.

13 A. My answer would be the same.

14 Q. And you, similarly, didn't
15 look at any documents or data relating to
16 the school environment at any of the six
17 specific districts, correct?

18 A. I did not look at data or
19 documents related to instability of
20 school environment for -- specific to the
21 six districts.

22 I did not think that it was
23 necessary to the task.

24 Q. So I take it, then, you're

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1 not offering any opinions about educator
2 morale, staff burnout or the school
3 environment specific to the six plaintiff
4 school districts, correct?

5 ATTORNEY MEHRI: Objection.
6 Go ahead.

7 THE WITNESS: I'm offering
8 an opinion that in schools
9 generally, based on my experience
10 as an educational leader, the
11 educational consulting work that
12 I've done, which has had many --
13 which has included many
14 interactions with school leaders
15 and aspiring school district
16 leaders -- or aspiring school
17 leaders and school district
18 leaders in a variety of contexts
19 over a long period of time.

20 And the research that I
21 reviewed, as well as the testimony
22 on record from the school
23 districts, that there is a
24 pervasive sense of instability in

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1 school environments that is
2 attributable to the students'
3 compulsive personal social media
4 use. And that compulsion is
5 driven by features that are in the
6 designs of the platforms.

7 I did not look at data or
8 documents specific to the six
9 districts, because I did not think
10 that it was necessary to the task.

11 However, I think it would be
12 an easy extrapolation to make.
13 I'm just not doing that today.
14 I'm not making that claim about
15 those districts.

16 BY ATTORNEY PISTILLI:

17 Q. You're not doing it because
18 you don't have the basis in fact to do
19 it, correct?

20 ATTORNEY MEHRI: Objection.

21 THE WITNESS: I'm not sure
22 what you mean.

23 BY ATTORNEY PISTILLI:

24 Q. It would be a supposition on

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1 your part, given what you have and
2 haven't looked at, to offer any opinions
3 about educator morale, staff burnout or
4 the school environment at the six
5 specific school districts, correct?

6 ATTORNEY MEHRI: Objection.
7 And mischaracterizes his
8 testimony.

9 THE WITNESS: I guess I
10 would say that if extrapolation is
11 inherently supposition, then yes,
12 it would be supposition.

13 It would take some
14 extrapolation to make the claim on
15 these six districts. I think it
16 would be an easy extrapolation to
17 make. But I'm not making that
18 here today.

19 BY ATTORNEY PISTILLI:

20 Q. And do you plan to make that
21 extrapolation at a later time?

22 A. I -- I do not plan to, not
23 unless I'm asked to look at data and
24 documents from the specific six districts

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1 and the scope of my task changes.

2 Q. Right. Because that would
3 be a change in the scope of your task,
4 correct?

5 A. You're asking me if looking
6 at the six specific districts, their data
7 and documents, would be a change in the
8 scope of my task? Yes, it would be.

9 Q. Let's take a look at
10 Opinion 3 on Page 23.

11 You say, The growing need to
12 allocate additional funding for mental
13 health and student support services is
14 intensifying already difficult tradeoffs
15 in resource allocation.

16 You've not looked at any
17 documents or data relating to funding for
18 mental health and student support
19 services in any of the six plaintiff
20 school districts, correct?

21 A. I've not looked at data or
22 documents related to the need for
23 additional funding for mental health or
24 student support services in any of the

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1 six districts.

2 Q. So --

3 A. I did not think that it was
4 necessary to the task.

5 Q. So sitting here today, you
6 don't have any basis to know whether, in
7 fact, there is a need for additional
8 funding for mental health and student
9 support services in the six districts,
10 correct?

11 ATTORNEY MEHRI: Objection.

12 THE WITNESS: My basis for
13 the opinion that there's a growing
14 need to allocate general funding
15 for mental health and student
16 support services and that that is
17 intensifying already difficult
18 tradeoffs in resource allocation
19 is based on the sources of
20 evidence that I considered that
21 converged to show that this is a
22 reality in schools and school
23 districts across a variety of
24 settings in a variety of places

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1 and that the -- my experience, the
2 research, the testimony on record
3 suggests that this is pervasive
4 across public education settings
5 in the country.

6 BY ATTORNEY PISTILLI:

7 Q. But it would be --

8 A. The --

9 ATTORNEY MEHRI: Let him --

10 THE WITNESS: The -- for me
11 to claim that it would be -- that
12 that is also true in the six
13 specific districts would be an
14 extrapolation, because I did not
15 review data or documents specific
16 to the six districts.

17 I think that it would be an
18 easy extrapolation to make. But
19 I'm not making that claim here
20 today.

21 BY ATTORNEY PISTILLI:

22 Q. And you've not looked at the
23 documents or data that would be needed to
24 do so, correct?

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1 A. I've looked at enough
2 documents and data to think that it would
3 be reasonable to make the extrapolation,
4 although I'm not doing that here.

5 But I've not looked at
6 specific documents and data in the six
7 school districts specifically that would
8 be required to verify such a claim.

9 I didn't think that it was
10 necessary to my task. And further, it's
11 my understanding that other plaintiff
12 experts have done so.

13 Q. If you could please turn to
14 Opinion 4 of your report on Page 25.

15 You say, Promulgating and
16 enforcing rules to limit social media and
17 personal electronic devices in schools is
18 operationally complex and often a source
19 of conflict among school staff, students
20 and families.

21 Do you see that?

22 A. Yes. Well put.

23 Q. Do you know whether any of
24 the bellwether school districts have

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1 instituted cell phone policies or other
2 rules limiting the use of electronic
3 devices in their schools?

4 A. I do not know whether the
5 six specific districts have instituted
6 policies or rules to limit social media
7 and personal electronic devices in their
8 schools.

9 I didn't look at data and
10 documents from the six specific
11 districts. I didn't think that it was
12 necessary to the task that I was given.

13 Q. So, again, this opinion
14 you're offering here that promulgating
15 and enforcing rules to limit social media
16 and personal electronic devices in
17 schools is operationally complex and
18 often a source of conflict is not based
19 on any information specific to the six
20 school district plaintiffs, correct?

21 ATTORNEY MEHRI: Objection.

22 THE WITNESS: The basis of
23 my opinion that promulgating and
24 enforcing rules to limit social

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1 media and personal electronic
2 devices in schools is
3 operationally complex and often a
4 source of conflict among school
5 staff, students and families is a
6 result of convergence of evidence
7 from my experience, my work over
8 the last six years as an
9 educational consultant interacting
10 with school leaders and aspiring
11 school leaders, district leaders,
12 as well as my review of relevant
13 literature from peer-reviewed
14 journals and the testimony on
15 record.

16 And that forms the basis of
17 my claim that, in schools, these
18 kind of enforcement rules are
19 difficult and complex and
20 sometimes have unintended negative
21 consequences.

22 It would be supposition,
23 extrapolation to know that that is
24 true in the six districts. I did

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1 not look at data or documents to
2 verify that that is true in the
3 six specific districts, because it
4 wasn't within the -- it wasn't
5 necessary to the task. And it's
6 my understanding that other
7 plaintiff experts may have done
8 so.

9 BY ATTORNEY PISTILLI:

10 Q. Please turn to Page 29 and
11 look with me at Opinion 5.

12 You say, The cumulative
13 effect of these demands is increased
14 cost, diverted resources, heightened
15 emotional strain, and reduced leadership
16 capacity, negatively impacting school
17 districts, schools and public education.

18 Do you see that?

19 A. I do.

20 Q. Did you look at any
21 documents or data relating to whether
22 there are increased costs at any of the
23 six plaintiff school districts?

24 A. I did not look at any data

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1 or documents specific to the six school
2 districts.

3 The basis of my opinion here
4 is on the experience that I've had, the
5 interactions I've had with numerous
6 school leaders and aspiring school
7 leaders in a variety of contexts over
8 multiple years, including time in those
9 schools, my review of relevant literature
10 and my reading of the testimony on
11 record.

12 This suggests to me -- my
13 opinion, as a result, is that this
14 cumulative effect is present in schools
15 and school districts across the country.

16 I think that the evidence
17 that I looked at and suggest may well be
18 transferable to other sites and schools.
19 The transferability idea is well
20 established in the practice of academia
21 and educational leadership.

22 I'm not suggesting that here
23 today, because I did not make that
24 extrapolation. And I did not examine

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1 data and documents related to the school
2 districts in order to -- or specific to
3 those school districts in order to verify
4 that that opinion and claim would be true
5 in those specific districts, because I
6 did not think that it was necessary to my
7 task. And it's my understanding that
8 other plaintiff experts may have done so.

9 Q. And am I also right that you
10 didn't look at any documents or data
11 relating to whether any of the six
12 plaintiff school districts had any
13 diverted resources?

14 A. I did not look at any data
15 or documents specific to the school -- to
16 the six school districts.

17 Q. And the same is true for
18 heightened emotional strain, right, you
19 didn't look at any documents or data
20 relating to the six plaintiffs, correct?

21 A. With regard to heightened
22 emotional strain, I did not look at data
23 or documents that are specific to the six
24 districts.

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1 I make that opinion and
2 claim about schools and school districts
3 generally based on a convergence of
4 evidence that derives from my experience
5 as an educational leader and an educator
6 in public education, my interactions with
7 school leaders and aspiring school
8 leaders and district leaders in my
9 capacity as an educational consultant,
10 the research that I reviewed when I
11 conducted a literature review, and the
12 testimony on record.

13 I did not look at data and
14 documents from the six districts
15 specifically. So I can't make claims
16 that are specific to those districts
17 about heightened emotional strain, except
18 insofar as it may be easy to extrapolate
19 on the evidence that converged in my work
20 to those districts.

21 But I'm not saying that it's
22 transferable, because I didn't myself do
23 the investigation to verify those claims.

24 It did not seem to me that

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1 doing so was necessary to my task. And
2 it's also my understanding that other
3 plaintiff experts may have done so.

4 Q. And you also didn't look at
5 any documents or data relating to any
6 reduced leadership capacity of the six
7 plaintiff school districts, correct?

8 A. I did not look at data or
9 documents from the six specific school
10 districts.

11 Q. And so it would be
12 supposition on your part to say that
13 those six specific districts have had
14 increased costs, diverted resources,
15 heightened emotional strain or reduced
16 leadership capacity, correct?

17 ATTORNEY MEHRI: Objection.

18 THE WITNESS: If you were to
19 characterize extrapolation or a
20 reasonable assumption of
21 transferability as supposition,
22 then I would agree with you.

23 BY ATTORNEY PISTILLI:

24 Q. Do you characterize it as

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1 supposition?

2 A. Do I characterize
3 extrapolation and transferability as
4 supposition? I haven't given the
5 question much consideration previously,
6 so I'm not sure.

7 But I think that reasonable
8 extrapolation and transferability on the
9 basis of strong evidence of patterns in
10 like settings is probably stronger than
11 supposition.

12 But I'm not making those
13 claims here today, because I didn't
14 review any data or documents related to
15 the six specific districts. It wasn't
16 within the scope of my task to do so, so
17 I didn't think that it was necessary.

18 And it's my understanding
19 that other plaintiff experts may have
20 considered those sources of evidence.

21 Q. And you would -- you would
22 need to look at that specific documents
23 and data before you made a reasonable
24 extrapolation, correct?

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1 ATTORNEY MEHRI: Objection.

2 THE WITNESS: While I'm not
3 making a reasonable extrapolation
4 here today, I do think that one
5 could make a reasonable
6 extrapolation through the concept
7 of transferability to like
8 settings to make such claims about
9 the six specific school districts.

10 But for me to feel
11 comfortable doing that as an
12 expert witness, I would need to
13 verify those reasonable
14 extrapolations and transferability
15 assumptions using data and
16 documents from the specific school
17 districts.

18 And since I did not review
19 data and documents from those
20 specific districts, I would stop
21 short of saying that they could be
22 verified in those particular
23 settings.

24 I would suggest that a

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1 concept of transferability and
2 extrapolation probably would apply
3 here, since there's so many
4 similarities among schools and
5 school districts. But I didn't do
6 that.

7 It was -- didn't seem
8 necessary to me for my task. And
9 it's my understanding that other
10 plaintiff experts may have looked
11 at that specific data set.

12 BY ATTORNEY PISTILLI:

13 Q. And doing that is not within
14 the scope of your work in this case,
15 correct?

16 A. I think I've said that
17 repeatedly and clearly, yes.

18 Q. In your report, all of your
19 opinions relate to social media
20 generally, correct?

21 A. They relate to social media
22 specifically as it pertains to Facebook,
23 Instagram, Snapchat, TikTok and YouTube.

24 Q. Well, you understand that

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1 social media is more than just those five
2 platforms, right?

3 A. It may be. But that's not
4 part of what I considered here.

5 When I thought of social
6 media, I thought of Facebook, Instagram,
7 Snapchat, TikTok and YouTube.

8 Q. Where do you define social
9 media in your report?

10 A. I may not have defined it
11 specifically in the report.

12 I'm reviewing now. I don't
13 recall exactly.

14 I don't think I have a
15 precise definition of social media in my
16 report.

17 As I was working on it and
18 as I speak with you today, my
19 understanding of social media is
20 Facebook, Instagram, Snapchat, TikTok and
21 YouTube.

22 Q. Is Twitter social media?

23 A. I don't really have an
24 opinion about that.

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1 Q. Is Discord social media?

2 A. I don't have an opinion
3 about that.

4 Q. You just don't know one way
5 or the other?

6 A. I -- I don't have an opinion
7 about that. The scope of social media
8 that is within my consideration here as I
9 talk with you today and was in my head as
10 I wrote the report was Facebook,
11 Instagram, Snapchat, TikTok and YouTube.

12 Q. Now, you rely on literature
13 that you reviewed in forming your
14 opinions about social media, correct?

15 A. In part, yes.

16 Q. And is that literature's
17 discussion of social media limited to
18 those five platforms?

19 A. I don't recall.

20 Is there -- is there one
21 that you're specifically thinking about?

22 Q. Well, right now I'm just
23 asking.

24 Do you have a recollection

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1 as to whether the literature you reviewed
2 regarding social media was limited to the
3 five specific platforms at issue in this
4 litigation?

5 A. I don't recall whether the
6 literature was specifically limited to
7 Facebook, Instagram, Snapchat, TikTok and
8 YouTube.

9 No, I'm not -- I don't -- I
10 don't recall. I'd need to look at, like,
11 a specific piece of research and see
12 whether the authors defined it that way.

13 Q. We can come back to that.
14 You also relied on testimony
15 from school district personnel in their
16 depositions, correct?

17 A. Yes.

18 Q. And they offered testimony
19 about social media, correct?

20 A. They did. That was what the
21 topic was, yes.

22 Q. Yes. And the testimony that
23 they offered was not limited to those
24 five platforms you reference, correct?

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1 ATTORNEY MEHRI: Objection.

2 THE WITNESS: I don't -- I
3 don't recall. I mean, I read or
4 skimmed, like, hundreds of pages
5 of deposition documents. I don't
6 recall.

7 If you want me to look at
8 one, I'd be happy to review it.
9 But I don't know.

10 BY ATTORNEY PISTILLI:

11 Q. You also, in your report,
12 reference the design features of social
13 media platforms, correct?

14 A. Are you referencing a
15 specific part?

16 Q. Well, it comes up quite a
17 bit in your report, but we can look at
18 Paragraph 106 as an example.

19 A. 106. This is in the May
20 16th report?

21 Q. Yes.

22 ATTORNEY MEHRI: What
23 paragraph, please?

24 ATTORNEY PISTILLI: 106.

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1 ATTORNEY MEHRI: 106.

2 THE WITNESS: Okay. Thank
3 you.

4 BY ATTORNEY PISTILLI:

5 Q. And there you refer to the
6 structural design of the social media
7 platforms?

8 A. Yes.

9 Q. And then, similarly, you can
10 take a look, if you would, at
11 Paragraph 68.

12 You see in Paragraph 68 you
13 say, The features of social media
14 companies. The features social media
15 companies choose to build into their
16 platforms facilitate and amplify
17 bullying.

18 A. Yes. Well put.

19 Q. So do you now -- are you
20 with me when you talk about -- when I ask
21 you questions about the design features
22 of defendants' platforms?

23 A. I understand now you're
24 asking me about Paragraphs 68 and 106 --

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1 106.

2 Q. Was it -- is it your
3 testimony to the jury that the design
4 features of defendants' platforms have an
5 adverse impact on school districts?

6 A. I believe so, yes.

7 Q. And is the use of -- use of
8 algorithms to promote addictive
9 engagement on defendants' platforms one
10 of the design features that you have in
11 mind?

12 A. So I'm not an expert on all
13 the myriad of design features. I'm not
14 an expert in how they're engineered. I
15 wouldn't be a good source of naming all
16 of them or knowing or understanding the
17 difference across the platforms.

18 What I would say is that
19 they are designed and engineered in a way
20 to capture and manufacture student
21 attention, where the time that students
22 are on the platforms is the product and
23 that the design of the features is
24 intended to prolong that engagement.

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1 How exactly that works, what
2 the students are actually thinking about,
3 how it's engineered and coded, that is,
4 really, like, a level of detail that I'm
5 not an expert in.

6 I have a couple of things
7 here because they seemed, like, salient
8 to me. But I by no means understand,
9 like, how all of that specifically works.

10 Q. But the -- the publishing of
11 content to promote addictive engagement
12 is part of the harmful impacts that
13 you're opining on, correct?

14 ATTORNEY MEHRI: Objection.
15 Mischaracterizes the testimony.

16 THE WITNESS: Yeah, I'm
17 not -- I'm not actually opining
18 about that.

19 What I'm actually opining on
20 is the -- is that the social
21 media -- the design of the social
22 media platforms is intended to
23 prolong student engagement.

24 There's a multiple -- there

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1 are multiple features that -- that
2 are used for this, is my
3 understanding. I don't -- I don't
4 really understand how that's
5 coded. I'm not an expert in that
6 stuff.

7 What I do know is that the
8 students' need for continued
9 validation, that their -- that the
10 social media platforms now make up
11 a great deal of their social
12 fabric, that students experience a
13 fear of missing out, that they
14 experience, like, a social
15 accountability where they need to
16 respond in realtime, where they
17 want to know what people think
18 about them all the time.

19 If you think about children,
20 teens, adolescents and the fact
21 that their frontal cortex is not
22 yet fully developed and that
23 their -- their attention -- their
24 interaction with their peers is of

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1 such primary importance to them
2 and their brain development at
3 that age, then this manipulation
4 of their attention around their
5 social connections that is
6 designed to prolong their
7 attention so that it can be
8 commodotized, that's what I think
9 causes the serious harms to school
10 district operations and to the
11 work of school leaders and school
12 district leaders.

13 BY ATTORNEY PISTILLI:

14 Q. Turn again with me to
15 Paragraph 106 of your report, please.

16 A. What -- 106, you said?

17 Q. Yes.

18 You say, Thus, while
19 platforms have become normalized in youth
20 culture, their structural design
21 contributes to serious educational and
22 emotional harm, and schools
23 disproportionately bear the burden of
24 response. This burden must be understood

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1 not as a by-product of school failure but
2 as a predictable consequence of platform
3 design decisions that prioritize
4 engagement over well-being.

5 Do you see your opinion that
6 you wrote there?

7 A. Yes. Well put. I stand by
8 that.

9 Q. Okay. What platform design
10 decisions are you referring to in
11 Paragraph 106?

12 A. So I'll repeat what I said
13 before.

14 I'm not an expert in the
15 platform designs. I don't have the
16 background nor did I look at the
17 specific, like, design features and -- to
18 be able to list all of them or understand
19 how they interact with each other or the
20 differences across the different
21 platforms.

22 But what I know is that
23 there are features that are baked into
24 the design that are intended to

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1 prioritize engagement over the students'
2 well-being, over their education, over
3 their learning. And that it's
4 predictable that that's going to lead to
5 a compulsive use.

6 It's also predictable that
7 that compulsive use will have negative
8 effects on their health and that that
9 predictability is something that the
10 design platforms may have even known
11 about but not really warned schools,
12 warned what was going to happen and have
13 not really taken responsibility for.

14 That's my -- that's my
15 understanding.

16 It's about the design
17 decisions and the features sort of as a
18 whole and their -- the way students are
19 interacting with the platforms and the
20 impact on school district operations, on
21 diverted leadership time, on resource
22 allocation decisions, on school
23 environments that are unsettled, with
24 this sort of generalized anxiety that

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1 hums in the background as a result.

2 Q. You just testified, sir,
3 What I know is that there are features
4 that are baked into the design that are
5 intended to prioritize engagement over
6 the students' well-being, over their
7 education, over their learning.

8 What features are you
9 referring to?

10 A. Yeah, the list of specific
11 features is not really something that I'm
12 an expert on or am prepared to talk
13 about.

14 What I know is that they're
15 there, they exist, they're in the design
16 and they're designed intentionally so
17 that students will spend more time on the
18 apps, on the platforms, engage more, and
19 that that leads to compulsive use on the
20 part of students, and that that
21 compulsive use, those design features
22 have a negative impact on school district
23 operations and on the work of school
24 leaders and school -- school district

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1 leaders.

2 The ins-and-outs of the
3 specific designs, how they work, how
4 they're coded, how they're engineered,
5 the psychology of dopamine hits and how
6 exactly they take advantage of children
7 and youth when they're vulnerable and
8 their frontal cortex is not fully
9 developed, like, the specifics of all of
10 that, that's not within the realm of my
11 expertise.

12 I understand that other
13 plaintiff experts may have specific
14 expertise about that. And I'll leave
15 that to the experts.

16 Q. I'm not asking you for
17 engineering specifics, with all due
18 respect.

19 You said that you know there
20 are features that, in your opinion, have
21 certain impacts.

22 What features are you
23 referring to when you make that
24 statement?

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1 A. The design of the social
2 media platforms, Facebook, Instagram,
3 Snapchat, TikTok, YouTube, the design
4 results in features. And the design is
5 intended to prolong engagement, whether
6 that's for the well-being of the student
7 or not.

8 The prolonged engagement is
9 a way of capturing and monetizing
10 attention. That's the intent, and that's
11 the way -- the way that much of the
12 features were designed.

13 What those features are, how
14 they interact with one another, how
15 they're coded, what the differences are
16 across the platforms, like, that was
17 outside the scope of what I was asked to
18 do. And it's outside the scope of my
19 expertise.

20 Q. But so you include in your
21 opinions about social media any and all
22 design features that allegedly promote
23 prolonged engagement; is that fair?

24 ATTORNEY MEHRI: Object.

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1 Mischaracterizes his testimony.

2 THE WITNESS: No, I don't
3 think that's fair. I don't think
4 I put any and all anywhere in the
5 report.

6 And I don't understand the
7 nuances of the features and the
8 way that they might be changing
9 and all of that well enough to say
10 which ones are the specific
11 culprits.

12 What I know is that as a
13 result of them, sort of the
14 cumulative effect is leading to a
15 mental health -- increased mental
16 health issues, drains on school
17 research -- resources, diverted
18 leadership time and a generalized
19 anxiety that burdens the school
20 environment and causes harms to
21 school district operations and the
22 work of school leaders and school
23 district leaders.

24 BY ATTORNEY PISTILLI:

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1 Q. Let's turn back quickly to
2 Paragraph 68.

3 A. Sure. One second.
4 Okay. Got it.

5 Q. There you say, The features
6 that social media companies choose to
7 build into their platform facilitate and
8 amplify bullying.

9 Do you see that?

10 A. I do see that.

11 Q. And are -- does the -- does
12 part of the harmful impact that you
13 attribute to social media relate to
14 cyberbullying that occurs in posts or
15 comments that appear on defendants'
16 platforms?

17 A. The -- will you ask that
18 question again, please?

19 Q. Does part of the harmful
20 impact that you attribute to social media
21 relate to cyberbullying that occurs in
22 posts or comments on defendants'
23 platforms?

24 A. The harmful impact that I

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1 attribute to the design features of the
2 social media platforms are those features
3 that lead to compulsive use.

4 I think that that includes a
5 whole bunch of different
6 attention-seeking behaviors on the parts
7 of kids that is compelled by their need
8 to stay engaged with the -- with the
9 platforms. And it has effects in the way
10 that they are experiencing the school
11 day, their social life inside and outside
12 of school.

13 Students now, as a result of
14 sort of the saturation of social media
15 use and the interactions that students
16 are having on the platforms and the
17 platforms themselves are creating, like,
18 a -- like a compulsion, where students --
19 they're going to, in the regular course
20 of their development, seek validation.

21 But now that validation
22 is -- is external and compulsive to the
23 platforms. For example, wanting to get
24 attention for whatever it is that

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1 they're -- that they're putting out there
2 into the world.

3 Certainly it can amplify
4 acts of cruelty. It can make students be
5 fearful of exposure. But by no means is
6 my testimony here related specifically to
7 that particular use of the platform.
8 It's the overall effect of the platforms
9 and their design that seeks to prolong
10 engagement that's leading to the
11 compulsive use.

12 Q. Well, bullying has been
13 around long before social media, right?

14 A. Yes. Bullying has been
15 around long before social media, as well
16 as many other things that schools grapple
17 with.

18 And like all those other
19 factors, social media creates new
20 problems and it also exacerbates existing
21 problems. Bullying is one of those
22 examples where it makes -- gives students
23 access to students, students will engage
24 in attention-seeking behavior. They may

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1 be more likely to bully because of the
2 attention that it gets online. Victims
3 are accessible, like, all the time.

4 So bullying that existed
5 before might have been temporal in
6 nature, it didn't necessarily create a
7 permanent record. It was, like,
8 interactions between kids in a specific
9 place and time.

10 And, you know, you could
11 extrapolate this to all sorts of things
12 that negatively affect kids in schools,
13 that the social media use, the compulsive
14 social media use, creates new harms and
15 actually exacerbates old harms. And the
16 bullying is a perfect example of that, I
17 think.

18 Q. Right. Like, kids would
19 write mean things about other kids on
20 bathroom walls, right?

21 ATTORNEY MEHRI: Objection.

22 THE WITNESS: What -- sure.

23 Yes.

24 BY ATTORNEY PISTILLI:

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1 Q. Yeah. And that would be
2 bullying?

3 ATTORNEY MEHRI: Objection.

4 THE WITNESS: Well, I don't
5 want -- like, I'm not here as an
6 expert in bullying.

7 But bullying has a certain
8 definition. And maybe it would be
9 and maybe it wouldn't be. It kind
10 of depends on the context and
11 what's being said and who the kids
12 are.

13 Probably. It probably
14 sounds like it could be a form of
15 bullying. It certainly is not
16 nice.

17 BY ATTORNEY PISTILLI:

18 Q. You know, so-and-so is fat
19 and ugly and I'm going to beat her up;
20 that would be bullying, right?

21 ATTORNEY MEHRI: Objection.

22 THE WITNESS: A statement
23 like that may or may not be
24 considered bullying in the context

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1 of schools, yeah.

2 BY ATTORNEY PISTILLI:

3 Q. How would it not be
4 considered bullying?

5 A. Okay. So I'm not here to be
6 an expert on bullying or talk about
7 bullying.

8 I think what you're -- what
9 you're trying to say is that the harm is
10 caused by the specific instance of the
11 bullying. What I'm saying is that that's
12 not the case. There may be harm. But
13 the harm is in the compulsive use of the
14 students of the social media platforms.

15 The fact that it leads them
16 to be so attention seeking, because the
17 design features are created to prolong
18 their attention so that their attention
19 can be curated and manufactured as a
20 product, in and of itself leads to mental
21 health issues, generalized anxiety, need
22 for compulsive use of the platforms
23 themselves, and that that is what is
24 creating the harm that is affecting

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1 school district operations, school
2 leaders and school district leaders in
3 the course of doing their work.

4 Q. So it's your testimony to
5 the jury that there's not harm that flows
6 from the words a kid uses, whether it be
7 in a social media post or otherwise, that
8 are threatening and demeaning to other
9 students in and of itself?

10 ATTORNEY MEHRI: Objection.
11 Mischaracterizes his testimony.

12 THE WITNESS: It does -- I
13 do think that mischaracterizes my
14 testimony.

15 I don't think that my
16 testimony is about those specific
17 words. I think that my testimony
18 is about the compulsive personal
19 use of social media by young
20 people in early stages of their
21 development and the way in which
22 that leads to compulsive use, the
23 effect that has on a school
24 environment and, therefore, the

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1 strain on resource allocation and
2 the impact on leadership time and
3 the work that leaders need to do
4 to further education and improve
5 the school culture.

6 BY ATTORNEY PISTILLI:

7 Q. And my question is, is part,
8 at least, of the harm from bullying,
9 whether it occurs online or in person,
10 the actual derogatory or threatening
11 words said to another student and the
12 impact of those words on the student?

13 ATTORNEY MEHRI: Objection.
14 Asked and answered.

15 THE WITNESS: So embedded in
16 your question is about the harm of
17 bullying.

18 Of course bullying does
19 harm. But that's not what my
20 report is about and that's not
21 what I'm speaking about here. I'm
22 not talking about the harm of
23 bullying.

24 I'm talking about the harm

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1 of compulsive personal student use
2 of social media platforms,
3 Facebook, Instagram, Snapchat,
4 TikTok and YouTube.

5 You seem to be trying to get
6 me to say that bullying does or
7 does not do harm. As an educator,
8 of course bullying does harm. But
9 that's not the point of what we're
10 talking about here.

11 What we're talking about
12 here is the social media
13 platforms' intention to engage
14 attention in a prolonged way that
15 is leading to compulsive personal
16 social media use by students.

17 ATTORNEY PISTILLI: This is
18 probably a pretty good natural
19 stopping point.

20 ATTORNEY MEHRI: Okay.

21 VIDEO TECHNICIAN: The time
22 is 12:50 p.m. We are going off
23 the record. This ends Media
24 Unit 3.

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1 - - -

2 (Whereupon, a luncheon
3 recess was taken.)

4 - - -

5 VIDEO TECHNICIAN: The time
6 is 1:43 p.m. This is the
7 beginning of Media 4, and we're
8 going back on the record.

9 BY ATTORNEY PISTILLI:

10 Q. If you could just, please,
11 go back and take a look at Exhibit-3.
12 It's your invoice.

13 A. Okay.

14 Q. And does this reflect all of
15 the time that you've spent working on
16 this matter through the end of August?

17 A. It does, yes.

18 Q. And so you didn't perform
19 any work on this matter between May 16th
20 of 2025, and July 10th, 2025; that's
21 correct?

22 A. That's correct.

23 Q. If I were to tell you that
24 we've added up the total number of hours

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1 here and it reflects 166.75 hours, does
2 that sound about right to you?

3 A. I didn't -- I didn't add
4 them, so I don't -- I don't know what the
5 total is.

6 I could -- I could do
7 addition now if you want. I'd need,
8 like, a pen or a calculator or something
9 like that.

10 Did you -- did you want me
11 to add it up?

12 Q. Whatever you need to do to
13 let me know if you agree that it's around
14 166, 167 hours.

15 A. Okay. Sorry, I didn't know
16 you were waiting for me to agree with
17 that. Okay.

18 Does anybody have a pen?

19 Thank you, Cyrus.

20 If I added correctly, I got
21 166.75.

22 Q. Since you have your
23 calculator out, could you multiply that
24 by \$300, which is your hourly rate?

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1 A. Sure. But there's one entry
2 that's travel where the rate is less, so
3 that wouldn't match up exactly.

4 But to do what you asked,
5 it's \$50,025, is 166 -- shoot, 166.75
6 times 300.

7 Q. And recognizing there's the
8 one travel, would you agree that you've
9 made approximately \$50,000 working on
10 this matter from April through the end of
11 August of this year?

12 A. A little less than \$50,000
13 during that time, looks -- that looks
14 right.

15 Q. Thanks.

16 If you could now turn to
17 Exhibit-8, I believe, is your rebuttal
18 report.

19 A. Okay.

20 Q. All right. And then we
21 talked a little bit about this earlier
22 where you described the professional
23 methodology that you employ in your
24 consulting work, correct?

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1 And that's included on
2 Paragraphs 14 and 15?

3 A. Are you asking me if you
4 asked me questions about this?

5 Q. Do you recall that we
6 discussed earlier the work that you use
7 in your -- the methodology that you use
8 in your professional consulting work and
9 leadership advising?

10 A. Yes.

11 Q. Yes.

12 And you discuss some of that
13 on -- in Paragraphs 14 and 15 of your
14 rebuttal, right?

15 A. Yes.

16 Q. And then you go on in
17 Paragraph 16 to say, This approach
18 reflects a widely accepted and practiced
19 methodology in the field of educational
20 leadership and executive coaching.

21 Do you see that?

22 A. I do, yes.

23 Q. You don't cite anything to
24 support that proposition in your report

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1 here, do you?

2 A. Here in Paragraph 16, no.

3 Q. And so what -- is there any
4 literature that supports your assertion
5 that your approach reflects a widely
6 accepted and practiced methodology?

7 A. Yes.

8 Q. What would that be?

9 A. There are two articles that
10 I pulled from -- I don't have them with
11 me.

12 But there's -- there's an
13 article about educational leadership and
14 qualitative research and another one
15 about educational leadership in context,
16 both around 2015 or so.

17 Q. Are they cited elsewhere in
18 your report?

19 A. Yeah. The Brooks and
20 Normore piece, I think, is one. And then
21 there's -- there's another one that I
22 have here, but I don't know if that's --
23 there are two -- there are two articles
24 that appeared in academic journals

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1 related to qualitative research and the
2 study of educational leadership.

3 And I drew on those as a way
4 to reflect that the methodology and
5 approach that I used to -- in my
6 executive coaching to support the leaders
7 in their leadership development is
8 grounded in an established, acceptable
9 methodology.

10 The difference, I would add,
11 is that the work product for me is not a
12 research article for submission in a
13 journal but, rather, the improvement of
14 the educational leaders' effectiveness
15 with whom I'm working.

16 Q. But the accepted and
17 practiced methodology that you claim to
18 bring to bear in this report is what's
19 reflected in those articles?

20 A. It is, yes.

21 Q. And then just so I'm clear,
22 the Brooks and Normore article cited in
23 Footnote 4, that's one of them.

24 What's the other? Is it

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1 Footnote 5?

2 A. Yeah, I think so. I
3 don't -- I didn't bring all those
4 articles with me, and I'm not sure
5 exactly, like, how things line up. I
6 don't remember exactly.

7 But those are -- those are
8 articles that are guiding in terms of
9 researchers, like, doctoral students and
10 their study of educational leadership.

11 Q. Let's take a look at the
12 Brooks and Normore article. It's Tab 13.
13 - - -

14 (Whereupon, Exhibit
15 Osborne-9, No Bates, Qualitative
16 Research and Educational
17 Leadership: Essential dynamics to
18 Consider When Designing and
19 Conducting Studies, was marked for
20 identification.)

21 - - -

22 BY ATTORNEY PISTILLI:

23 Q. I'm handing you what's been
24 marked as Exhibit-9.

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1 A. Thank you.

2 ATTORNEY MEHRI: What
3 exhibit number is this one?

4 ATTORNEY PISTILLI:
5 Exhibit-9.

6 BY ATTORNEY PISTILLI:

7 Q. Have you had a chance to
8 look at the article?

9 A. I'm reading as quickly as I
10 can. I just need to refresh.

11 Okay. Thank you. I read
12 quickly. I might need to read certain
13 parts again.

14 Q. Sure. Well, take a look at
15 Page 800 with me, if you would, please.

16 There's a section that
17 starts, Data collection and qualitative
18 studies of educational leadership.

19 A. Got it.

20 Q. Do you see in the, I think,
21 third sentence, it says, There are three
22 basic types of qualitative data that
23 scholars have generated in order to
24 explore their research questions,

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1 interviews, observations and documents.

2 Do you see that?

3 A. I do see that, yes.

4 Q. And do you agree that those
5 are the three basic types of qualitative
6 data that are used in the methodology
7 you're relying on?

8 A. I would agree with that,
9 yes.

10 Q. So let's talk about each in
11 turn.

12 The first is interviews,
13 correct?

14 A. The first of the three is
15 interviews, yes.

16 Q. And did you conduct any
17 interviews of any of the six plaintiff
18 school districts in this case?

19 A. We covered this well before
20 lunch.

21 But, no, I did not conduct
22 any interviews of the -- of people from
23 the six specific school districts.

24 Q. And then the second is

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1 observations; is that right?

2 A. That's right.

3 Q. Did you undertake any
4 observations of any of the six school
5 districts?

6 A. I did not undertake
7 observations of any of the six school
8 districts.

9 It didn't seem necessary to
10 the task that I was given.

11 Q. And the last of the three is
12 documents, correct?

13 A. It is.

14 Q. And the article explains
15 that, Document analysis is a systematic
16 procedure for reviewing or evaluating
17 documents.

18 A. I don't --

19 Q. Sorry. I'm looking at the
20 bottom of Page 801.

21 A. Okay. I see that sentence
22 now, yep.

23 Q. Do you agree that document
24 analysis is a systematic procedure for

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1 reviewing or evaluating documents, both
2 printed and electronic material?

3 A. I would agree with that,
4 yes.

5 Q. And did you undertake any
6 document analysis relating to the six
7 plaintiff school districts in this case?

8 A. I did not do any document
9 analysis or review any documents from the
10 six specific school districts in this
11 case.

12 It wasn't necessary for my
13 task. And it's my understanding that
14 other plaintiff experts may have done so.

15 Q. Do you see on the next page,
16 802, first full paragraph, it says, It is
17 common for scholars to use school
18 improvement plans, meeting
19 agenda/minutes, school newsletters,
20 letters home to the parents and the like
21 as qualitative documents.

22 Do you see that?

23 A. I do see that.

24 Q. Did you review any of those

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1 categories of qualitative documents in
2 forming your opinions in this case?

3 A. Will you ask me that
4 question again?

5 Q. Sure.

6 Did you review any of those
7 categories of qualitative documents in
8 forming your opinions in this case for
9 the six specific school districts?

10 A. I see.

11 No. For the six specific
12 school districts, I did not review any of
13 the described qualitative documents in
14 this sentence.

15 It wasn't necessary for the
16 task that I had. And it's my
17 understanding that other plaintiff
18 experts may have done so.

19 Q. And you see on the bottom of
20 Page 802, it references this concept of
21 triangulation?

22 ATTORNEY MEHRI: What
23 sentence?

24 BY ATTORNEY PISTILLI:

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1 Q. The very bottom of Page 802.

2 A. That begins, If
3 triangulation? Yes.

4 Q. Well, it also appears in the
5 immediately prior sentence.

6 A. I see.

7 Yes.

8 Q. And that refers, right, to
9 the idea that a rigorous application of
10 this methodology would involve bringing
11 to bear multiple categories of
12 information.

13 So you would want to look at
14 interviews, observations and documents
15 rather than -- rather than just rely on
16 one in isolation, right?

17 ATTORNEY MEHRI: Objection.

18 THE WITNESS: I think that
19 that's a fair statement.

20 And I also think that I did
21 do that in the context of your
22 question specifically. Because my
23 evidence base that I used to
24 render the opinions that I offer

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1 comes from my experience, it comes
2 from my interactions with school
3 leaders and aspiring school
4 leaders who are graduate students,
5 it comes from a review of the
6 literature and it comes from
7 testimony on record.

8 So I believe that I have
9 triangulated to come to the
10 opinions that I offer in my expert
11 reports.

12 BY ATTORNEY PISTILLI:

13 Q. Well, you've not looked at
14 any documents relating to the six school
15 districts, you've not conducted any
16 interviews of personnel of the six school
17 districts, and you've not undertaken any
18 observations of the six school districts,
19 correct?

20 A. That's correct. But I don't
21 think that's what you asked me.

22 Q. The question was, so you
23 would want to look at interviews,
24 observations and documents rather than

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1 just rely on one in isolation?

2 A. Yes. Correct.

3 And my response is that
4 that's what I did, in two respects.

5 Number one, the methodology
6 that we're talking about here, where you
7 started in the reply to the 13 rebuttals,
8 is an explanation of the methodology that
9 I use in my work as an educational
10 consultant providing educational --
11 excuse me, providing executive coaching
12 to new leaders or leaders who may be
13 struggling or aspiring leaders.

14 And the reference to this
15 particular piece of scholarship is to
16 explain that the work that I do in
17 endeavoring to improve those leaders'
18 leadership performance reflects a level
19 of standard and rigor that is common to
20 the field of the study of educational
21 leadership, even though the product, for
22 me, is not a piece of research literature
23 submitted to a journal but, rather, I use
24 the methods in order to improve the

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1 performance of the person with whom I am
2 working.

3 Q. So when you do your
4 professional consulting work, you conduct
5 interviews of the personnel, the district
6 you're working with, you do observations
7 of the district, and you look at the
8 district's documents, correct?

9 ATTORNEY MEHRI: Objection.
10 Mischaracterizes testimony.

11 Go ahead.

12 THE WITNESS: When I work
13 with a particular client on
14 improving their leadership, I use
15 the concept, from the study of
16 educational leadership, of
17 triangulation.

18 The triangulation that I use
19 involves interviewing the person
20 that I am there to support as well
21 as the person who evaluates that
22 person, others in their school
23 community. So there's a series of
24 what you would call interviews,

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1 conversations, interactions in
2 order to try to make meaning out
3 of the challenges that this
4 particular leader may be facing.

5 I also make sure to observe
6 the leader in their context, in
7 the course of performing their
8 leadership duties so that I can
9 triangulate what I'm hearing from
10 the leader and other informants
11 with what I'm actually seeing
12 about the leader's behaviors and
13 the influence that that leader has
14 within their school community.

15 Lastly, in terms of
16 documents, it depends. My reach
17 to documents in order to help an
18 individual improve their
19 leadership performance will depend
20 on the context of what are the set
21 of leadership challenges or
22 emerging circumstances that that
23 person may be facing.

24 BY ATTORNEY PISTILLI:

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1 Q. But just so we're clear,
2 when you did your report for this
3 litigation, you didn't do any interviews,
4 observations or documents relating to the
5 six plaintiff school districts, correct?

6 A. That's correct. I've been
7 consistent about that for the majority of
8 the day. It's well described in the
9 report.

10 And I didn't see that doing
11 that was necessary for the task that I
12 was given. I think that other plaintiff
13 experts may have done so.

14 My opinions were based on a
15 convergence of evidence that comes from
16 my experience as a school practitioner
17 and district leader, the work that I do
18 as an educational consultant providing
19 executive coaching to current leaders who
20 may be new or struggling, as well as
21 aspiring leaders, the research -- the
22 literature review that I conducted and
23 the research that I was able to access
24 and read, as well as the testimony on

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1 record from school and school district
2 leaders about the impact of students'
3 compulsive personal social media use on
4 their school or school environments or
5 communities.

6 Q. Do you see the sentence on
7 the first paragraph of 803, If there is
8 an imbalance, say if there is only or
9 primarily interview data and only a
10 sprinkling of observation or document
11 data, we should call into question the
12 rigor and quality of the study?

13 A. I do see that.

14 Q. Do you agree with that
15 statement?

16 A. It depends. The authors
17 here are describing methods for
18 conducting a single study of a phenomena
19 associated with school leadership. And
20 their audience is geared towards
21 researchers in the field, doctoral
22 students or research faculty, in an
23 attempt to provide some guidance about
24 what kind of standards a study should

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1 meet within that discipline.

2 And insofar as that's what
3 they're meaning here, then I would think
4 that if there seems to be an imbalance
5 in, say, a student's doctoral work where
6 they're over-relying on only one form of
7 evidence, that questions could be raised
8 about the degree to which they're
9 triangulating and the degree to which the
10 study could benefit from the use of other
11 observation or data -- other -- other
12 types of data.

13 Q. So just to make sure I
14 understand you, that's -- you agree that
15 that's an accurate statement as it
16 applies to rigorous academic work in the
17 field?

18 ATTORNEY MEHRI: Objection.
19 Mischaracterizes his testimony.

20 THE WITNESS: I think -- I
21 think the authors here are trying
22 to offer ideas and guidance to
23 strengthen the quality of research
24 about educational leadership by

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1 describing methods that could be
2 brought to bear on particular
3 research studies.

4 And they're making the point
5 here that a research study that
6 endeavors to study a question in
7 the area of educational leadership
8 ought to have different kinds of
9 evidence so that the study
10 benefits from the triangulation of
11 types of evidence.

12 BY ATTORNEY PISTILLI:

13 Q. Let's -- let's talk about
14 the other article that you referenced a
15 few moments ago.

16 There's an article cited in
17 Footnote 5 of your rebuttal report. We
18 can go back to that. I believe it's
19 Exhibit-8, Page 7.

20 A. You said Page 8?

21 Q. Page 7.

22 A. Okay.

23 Q. You write, In educational
24 leadership, it is widely recognized that

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1 effective research and decision-making
2 must be grounded in an understanding of
3 context. As Crow, Miskel and Peterson
4 argue, the study of leadership cannot be
5 meaningfully separated from the dynamic,
6 lived realities of the school
7 environment.

8 Do you see that?

9 A. I do see that.

10 Q. And then you go on to say,
11 Educational leadership is deeply
12 contextual, requiring inquiry methods
13 that attend to cultures, relationships
14 and complexities that characterize actual
15 practice, right?

16 A. Sorry, where are you with
17 that one?

18 Q. Oh. Just the next sentence
19 in Paragraph 24.

20 A. You read the sentence, They
21 emphasize that --

22 Q. Yes.

23 A. -- is that what you read?

24 Okay. Yes, I see that.

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1 Q. And do you agree that your
2 field involves contextual inquiry into
3 the schools and school districts that
4 you're studying?

5 A. I'm not sure how you mean
6 contextual inquiry. But I think I'm
7 going to agree with what you're saying.

8 That the authors here, what
9 they're -- what they're saying and what
10 is an understanding in the discipline of
11 the study of educational leadership,
12 which is usually about the study of an
13 educational leader or an -- or a
14 leadership strategy or leadership
15 behaviors, that to gain an understanding
16 of that requires an understanding of the
17 context in which that leader is leading.

18 Q. And so you would need to
19 understand things like the budget that
20 the leader is dealing with?

21 A. I think it depends upon --
22 in the case of research methodology, it
23 would depend on what the research
24 questions are.

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1 For me, because I am not a
2 producer of research, it would depend --
3 what I -- what I work on, the end result
4 of my work, if you will, or the purpose,
5 is to help a leader in their leadership
6 development and help them grow to be
7 stronger leaders.

8 In either case, whether it's
9 to produce a leadership study or to help
10 a particular leader, the understanding of
11 the context in which they're working is
12 important.

13 That may or may not include
14 specific access or specific review of
15 budget documents. Budget documents, in
16 and of themselves, may be outside the
17 scope of the research question, if it's a
18 research article being produced or a --
19 or a research project being undertaken.

20 Or, for me in the work of
21 executive coaching, it may not be within
22 the scope of those areas where a leader
23 will most benefit from attention, where
24 the leader's leadership development will

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1 benefit from attention.

2 Q. So if it's a research
3 project, what you're saying is they would
4 need to understand the context of the
5 budget if the research question related
6 to the district's expenditures, but not
7 if it was about something else; is that
8 fair?

9 A. Yes, I think that's fair.

10 If the research question was
11 about, say, a superintendent's
12 decision-making process, either in
13 substance or in process how they go about
14 creating a school district budget, then
15 the researcher would need, I think, to
16 review budget documents as part of their
17 triangulation in addition to interviewing
18 the superintendent, maybe observing what
19 happens in those kind of process
20 meetings.

21 That would be an important
22 part of the triangulation exercise that's
23 being called for by these authors in
24 their attention to methods for

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1 educational leadership studies.

2 Q. And the authors you're
3 referring to are Crow, Miskel and
4 Peterson; is that right?

5 A. I don't have -- I think so.
6 I don't have the article in front of me.

7 Q. Sure. Well, do you know who
8 Crow, Miskel or Peterson are?

9 A. I don't know them, no.

10 Q. And the article that you're
11 citing here is entitled, Leadership
12 Behaviors of Principals in Inclusive
13 Educational Settings; is that right?

14 A. That's the -- that's the
15 language here. I don't -- I don't have
16 the article in front of me to verify
17 that.

18 Q. Sure. Well, let's take a
19 look at the article.

20 - - -

21 (Whereupon, Exhibit
22 Osborne-10, No Bates, Leadership
23 Behaviours of Principals in
24 Inclusive Educational Settings,

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1 was marked for identification.)

2 - - -

3 BY ATTORNEY PISTILLI:

4 Q. I'm handing you what's been
5 marked as Exhibit-10.

6 A. Thank you.

7 ATTORNEY MEHRI: This is a
8 different article.

9 ATTORNEY PISTILLI: Sorry.
10 Is it Exhibit-10?

11 BY ATTORNEY PISTILLI:

12 Q. So my question for you, sir,
13 is, is this the article that you intended
14 to cite in your report?

15 A. Give me a minute to read.
16 You know, I don't recall. I
17 do see that there's a mismatch with the
18 citation and the author's name. So I
19 mentioned earlier that there was -- there
20 might have been some mistakes there.

21 Q. So look with me again at
22 Footnote 5 of your rebuttal report.

23 A. Sorry. One second.

24 Yes. I'm looking at that.

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1 Q. And you cite in Footnote 5
2 an article entitled, Leadership Behaviors
3 of Principals in Inclusive Educational
4 Settings.

5 Do you see that?

6 A. I do.

7 Q. And do you see that that is
8 the title of the article in Exhibit-10?

9 A. I do see that, yes.

10 Q. And then do you see you
11 include in your citation in your report,
12 Journal of Educational Administration,
13 35/5?

14 Do you see that?

15 A. I do.

16 Q. And do you see that the
17 article I've handed you in Exhibit-10 is,
18 in fact, from the Journal of Educational
19 Administration, Volume 35, Number 5?

20 A. Yes, I see that.

21 Q. And your citation includes
22 the year 1997.

23 And Volume 35, Number 5 of
24 the Journal of Educational Administration

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1 is also from 1997, correct?

2 A. I see that, yes.

3 Q. And your citation is to
4 Pages 411 to 427; is that right?

5 A. That's the citation here,
6 yes.

7 Q. And the article I've handed
8 you is on Pages 411 to 427 of the Journal
9 of Educational Administration, Volume 35,
10 Number 5, correct?

11 A. It is, yes.

12 Q. But the author's name is
13 different, right?

14 A. It is different. It looks
15 like I messed this up a bit. I might
16 have -- I might have confused articles.
17 I'm not -- I'm not sure. I would need to
18 go back and double check.

19 This may be -- this may be
20 an error in the citation or it may be
21 that I confused the articles as I was
22 reading. I'm not sure.

23 Whether -- you know, the
24 import of that would be determined by

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1 other people.

2 But I think the point here
3 about leadership being contextual and
4 understanding the context that -- in
5 which leaders are acting is both a
6 standard part -- expectation of
7 methodology for educational research
8 studies and also informs my practice as
9 an educational consultant providing
10 executive coaching to educational
11 leaders.

12 Q. Could we go back to
13 Exhibit-8, please, for a minute? Take a
14 look again at Footnote 5.

15 And if -- you see you've
16 included in your report a hyperlink to
17 the article that you are citing?

18 A. I do see that, yes.

19 ATTORNEY PISTILLI: And
20 could we click on that, please?

21 TRIAL TECHNICIAN: (Trial
22 technician complies with request.)

23 BY ATTORNEY PISTILLI:

24 Q. Do you agree that when we

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1 click on the hyperlink you provided, it
2 takes us to the article by Patreese D.
3 Ingram we've just been looking at?

4 A. Yes, it looks like it.

5 Q. Sitting here today, is there
6 some Crow, Miskel and Peterson article
7 that you believe you actually read and
8 that exists?

9 A. You know, sitting here
10 today, I'm actually not sure now.

11 I see the -- I see the
12 author's name is incorrect here. And was
13 it another article I was drawing from
14 around educational leadership being
15 deeply contextual? I would need to go
16 back and kind of recreate. Yeah, I'm
17 not -- I'm not -- I'm not sure.

18 Again, I think it doesn't
19 really detract from the point about
20 methodology or the way that it attaches
21 to the work that I do.

22 Q. Do you agree with me that
23 the article that you've actually linked
24 to here entitled, Leadership Behaviors of

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1 Principals in Inclusive Educational
2 Settings, does not support the
3 proposition that the study of leadership
4 cannot be meaningfully separated from the
5 dynamic, lived realities of the school
6 environment?

7 A. So --

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: -- I would --
10 I would need to read this to
11 either -- to refresh my memory, to
12 see what I think of that.

13 I'd be happy to do that if
14 you'd like.

15 You're asking me whether
16 this article supports the concept
17 of educational -- supports the
18 concept of the importance of
19 context in the study of
20 educational leadership, if I'm
21 understanding you right.

22 BY ATTORNEY PISTILLI:

23 Q. Well, just take a look with
24 me, if you would, at Page 411 of the

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1 article.

2 A. I'll need to -- I'll need to
3 review the whole thing, I think, here.
4 At least give it a skim. I'll try to be
5 efficient in time.

6 Okay. What are you asking
7 me now?

8 Q. So you say in Paragraph 24
9 that the Leadership Behaviors of
10 Principals in Inclusive Educational
11 Settings article argues that the study of
12 leadership cannot be meaningfully
13 separated from the dynamic lived
14 realities of the school environment.

15 The authors of the article
16 emphasize that educational leadership is
17 deeply contextual, requiring inquiry
18 methods that attend to cultures,
19 relationships and complexities that
20 characterize actual practice. My
21 methodology reflects this stance.

22 And my question for you,
23 sir, is just whether the article we're
24 looking at in Exhibit-10 supports that

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1 description of the methodology?

2 A. No. You know, reading it
3 now, I don't think it does.

4 I think this is a -- I think
5 this is a mistake that I made in the
6 citation. There was, indeed, another --
7 a second article that spoke to this issue
8 and that I meant to be referring to here,
9 but I don't -- I don't recall what it
10 was.

11 Yeah. So that I -- that, I
12 think, is a mistake.

13 The overall point, of
14 course, is between the two articles what
15 I'm trying to demonstrate here is that
16 there's a discipline to the study of
17 educational leadership, and it's usually
18 talked about insofar as it applies to the
19 production of research reports that are
20 then submitted to academic journals.

21 I use many of the concepts,
22 triangulation, contextualization, use of
23 coupling observations with interviews in
24 the methodology that I employ in the

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1 educational consulting that I do to
2 provide executive coaching to school
3 leaders or aspiring school leaders.

4 And that that approach is
5 rigorous and not haphazard and lends to
6 the credibility of that strand of my
7 evidence base that relies on my work in
8 those schools and my pattern
9 identification across those schools.
10 It's just one of the strands.

11 But that is the general
12 approach that I take.

13 Q. But just so we're clear, the
14 only sources that you cite for the
15 proposition that your approach reflects a
16 widely accepted and practiced methodology
17 in the field are the articles cited in
18 Footnotes 4 and 5 of your reply, correct?

19 ATTORNEY MEHRI: Objection.

20 THE WITNESS: Give me a
21 second to just skim through and
22 see if that's the only place. I
23 think that that's true.

24 This is the one.

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1 There's one further article
2 by Clark and O'Donahue, hopefully
3 I didn't mess up this citation as
4 well, but it is in Footnote 23 on
5 Page 21.

6 And I'd have to look at the
7 article and examine that prior
8 paragraph that you were asking me
9 about. I think I may have
10 intended to reference this
11 article, not the Ingram one. I
12 think that was an error in the
13 citation.

14 I don't know if you have the
15 Clark and O'Donahue article. But
16 if you do, I think that's the
17 other piece of literature that
18 suggests that education --
19 scholarship and research in the
20 areas of educational leadership
21 benefits from the concept of
22 context.

23 ATTORNEY PISTILLI: It's
24 probably about time for a break.

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1 Let us see if we can find the
2 article.

3 THE WITNESS: Okay. Cool.
4 I don't know -- yeah.

5 VIDEO TECHNICIAN: The time
6 is 2:44 p.m. This is the end of
7 Media 4, and we are going off the
8 record.

9 - - -

10 (Whereupon, a brief recess
11 was taken.)

12 - - -

13 VIDEO TECHNICIAN: The time
14 is 3 o'clock p.m. This is the
15 beginning of Media 5, and we're
16 going back on the record.

17 ATTORNEY MEHRI: Thank you
18 for giving me a second.

19 Before the break, there was
20 some discussion about the correct
21 citations to peer-reviewed
22 articles. And I think this
23 article from Clark and Donahue is
24 the one that you guys are -- or

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1 O'Donahue are the one you guys
2 might have been looking for. But
3 you have to ask the witness to
4 clarify.

5 BY ATTORNEY PISTILLI:

6 Q. Actually, if you would,
7 please, could we take a look at
8 Exhibit-7? And turn to Page 5.

9 Do you see Paragraph 16?

10 A. Okay.

11 Q. And this is your report,
12 correct?

13 A. Yes.

14 Q. You write, This report draws
15 on my experience as a school and district
16 leader, including service as a
17 superintendent. As a consultant and
18 coach to educational leaders, I regularly
19 engage with superintendents, principals,
20 and district teams in urban, suburban,
21 and rural contexts across the country.
22 These interactions provided a broad
23 understanding of the systemic challenges
24 schools face due to social media use and

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1 the design of social media platforms.

2 Do you see that?

3 A. I do.

4 Q. And you're referring there
5 to conversations you've had with school
6 officials, correct?

7 ATTORNEY MEHRI: Objection.
8 Go ahead.

9 THE WITNESS: In part, yes.

10 BY ATTORNEY PISTILLI:

11 Q. And in your report on a
12 number of occasions you relay information
13 that was conveyed to you by different
14 school officials, correct?

15 A. I don't know what you mean
16 by "convey." I don't think I, like,
17 conveyed anything specific that was
18 reported to me.

19 I think that the opinions
20 that I offer that reflect, in part, many
21 of these interactions are indicative of
22 the patterns of leadership challenges
23 that I am learning about through these
24 interactions with, as you call it,

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1 official officials, school -- school
2 leaders and school district leaders.

3 Q. Right. And so your opinions
4 are based on interactions with school
5 leaders, correct?

6 ATTORNEY MEHRI: Objection.

7 THE WITNESS: My opinions
8 are based on a convergence of
9 evidence or data sources, if you
10 will.

11 One is my experience as a
12 practitioner and a leader in K-12
13 educational systems.

14 A second area of reliance is
15 on my interactions with a variety
16 of school leaders, school district
17 leaders, and aspiring leaders in
18 multiple contexts across various
19 schools and school districts over
20 a long period of time.

21 The third area is the
22 literature review and some of the
23 research studies that I read.

24 And a fourth is the

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1 testimony on record.

2 So it's on the basis of a
3 convergence of -- of evidence that
4 demonstrates that students'
5 personal compulsive use of social
6 media is destabilizing schools and
7 school communities in ways that
8 strain resources and divert
9 leadership attention.

10 BY ATTORNEY PISTILLI:

11 Q. But one of the sources
12 you're relying on, just to, please, focus
13 on the question I'm asking, is
14 information you learned from
15 conversations and interactions with
16 individuals in school districts other
17 than the six plaintiff school districts,
18 correct?

19 A. Yeah. I think you asked if
20 my opinions are based on what I'm hearing
21 from those school leaders.

22 So I just wanted to be clear
23 that in part it is. But it's based on
24 more than that, and it's based on sort of

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1 this concept of convergence and
2 triangulation across these different
3 areas of work and attention.

4 Q. And do you have any records
5 of the conversations on which your
6 opinions are based in part?

7 A. You mean, like, notes and
8 stuff like that?

9 Q. Yes.

10 A. No, I don't. I don't.

11 Q. Do you have records of who
12 the conversations were with that your
13 opinions are based on?

14 A. I don't know what you mean
15 by "records." I've talked with a lot of
16 people.

17 Q. But you don't have notes of
18 those conversations?

19 A. I don't -- I don't generally
20 keep -- sometimes I keep notes for the
21 purposes of that engagement; like, if I'm
22 working with a particular leader, they're
23 describing something to me, I don't want
24 to forget it, I might write it down.

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1 But usually those notes
2 don't really survive the engagement.

3 Q. You didn't consult any notes
4 from those conversations in preparing
5 your report, did you?

6 A. No.

7 Q. And did all of your
8 conversations with those school leaders
9 follow the same methodology?

10 A. No. There were different --
11 the interactions with the school leaders
12 or the aspiring school leaders, happened
13 for a variety of purposes and in many
14 different contexts.

15 So the methodology I would
16 have adjusted to be -- to be specific to
17 those circumstances, I think. For
18 example, if I'm at a conference and I'm
19 talking with educational leaders, it
20 might just be more conversational.

21 Where my methodology is more
22 consistent is if I'm doing executive
23 coaching for a particular school leader
24 or a struggling leader, like, somebody

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1 new or somebody who is a school district
2 official who might be new.

3 Then I bring to bear sort of
4 a more -- maybe not consistent in every
5 way, but conceptually consistent approach
6 in which I value the concept of
7 triangulation and context that is in the
8 literature around studies of educational
9 leadership.

10 Q. Did you discuss the same
11 topics with all of the educational
12 leaders?

13 A. No. I mean, the -- since
14 leaving the superintendency, I've talked
15 with hundreds of school leaders in a
16 variety of contexts. And my focus is
17 always on the things that are most
18 pressing on them. So sometimes the
19 conversations vary.

20 The use of time, and time is
21 a scarce resource, and the degree to
22 which it's being diverted by mental
23 health concerns linked to students'
24 compulsive personal social media use is a

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1 resounding theme across those
2 conversations.

3 Q. But you didn't
4 systematically go about inquiring into
5 that subject using consistent methods in
6 having all these disparate conversations,
7 correct?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: No, that
10 wasn't the purpose of that work.

11 BY ATTORNEY PISTILLI:

12 Q. And sitting here today, you
13 can't tell me who these people are who
14 underlie at least some portion of your
15 opinion in this case, correct?

16 A. It wouldn't add value to do
17 so. I mean, I've talked with quite a
18 number of people, like, hundreds of
19 people in different contexts, in
20 different places.

21 My professional life is
22 spent interacting with educational
23 leaders or aspiring educational leaders,
24 students who are graduate students in the

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1 classes that I teach, clients, colleagues
2 in some of the networks that I run or
3 participate in running, colleagues that I
4 interact with at conferences or know from
5 my graduate program or other connections
6 in what I would -- you would -- I would
7 think of as, like, a wide professional
8 network.

9 Q. But these conversations form
10 an important part of the basis for your
11 opinions, correct?

12 A. Yeah, I think they do.

13 These -- these
14 conversations, over a long period of
15 time, have enabled me to identify
16 patterns in what kinds of emerging
17 problems are now most pressing on the
18 field of educational leadership, on
19 educational leaders.

20 So the fact that issues
21 related to social media use -- to
22 students' social media use and the
23 accompanying mental health issues,
24 distractions, attention fragmentation,

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1 lack of sleep, generalized anxiety around
2 social status and social inclusion, fear
3 of missing out, all of that stuff is a
4 regular part of those conversations --
5 becomes a regular part of those
6 conversations when I'm demonstrating my
7 interest in what is most pressing upon
8 people, how would those leaders describe
9 their leadership challenges.

10 Q. But despite the importance
11 of those conversations to your opinion,
12 you're not willing to tell the jury even
13 who you had them with, right?

14 ATTORNEY MEHRI: Objection.
15 Mischaracterizes.

16 THE WITNESS: The -- the --
17 those conversations form a basis
18 of understanding what is happening
19 in schools generally and has --
20 when converging with the testimony
21 on record and the literature that
22 I reviewed, my own experience as
23 superintendent forms a basis for
24 the general opinions that I offer

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1 here.

2 And my opinions are
3 reflective of those general
4 patterns.

5 ATTORNEY PISTILLI: Move to
6 strike as nonresponsive.

7 BY ATTORNEY PISTILLI:

8 Q. Are you willing to tell a
9 jury who you spoke with or not?

10 A. It's not that I'm unwilling
11 tell the jury, which is different from
12 agreeing to do so.

13 It's that the case that I'm
14 making doesn't rely on a particular
15 informant in this process that I've gone
16 on.

17 There -- my firsthand
18 observations or my interpretation of
19 understanding from the accounts and
20 interactions that I've had with a very
21 large sample size of leaders across
22 various types of schools with different
23 demographic student profiles over a long
24 period of time, that's what I relied on

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1 for my report. And I wouldn't want to go
2 beyond the -- the context of that report.

3 Q. So you have no notes of
4 these conversations, right?

5 ATTORNEY MEHRI: Objection.
6 Asked and answered.

7 THE WITNESS: I don't
8 generally keep notes on the
9 conversations. Those interactions
10 are part of what I do
11 professionally on a regular basis.

12 I will occasionally take
13 notes if those notes help me to
14 support a particular leader by
15 noting something that I want to
16 make sure that I don't forget or
17 that I follow up for that person
18 or that I consider.

19 But generally speaking, when
20 the engagement is over, you know,
21 so are my notes. I pretty much
22 toss them.

23 BY ATTORNEY PISTILLI:

24 Q. So without notes of the

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1 conversation or without knowing who those
2 people are, you're essentially asking the
3 jury to take your word for what they said
4 without any ability to independently test
5 that?

6 ATTORNEY MEHRI: Objection.

7 THE WITNESS: I think
8 it's -- I think it's testable. I
9 think that to independently test,
10 one could at least approximate my
11 methodology. And, you know, I
12 would submit that it's highly
13 likely that the same opinions
14 would result.

15 BY ATTORNEY PISTILLI:

16 Q. But there's no way anyone
17 could know who you spoke with or what
18 they told you, other than taking your
19 word for it, correct?

20 ATTORNEY MEHRI: Objection.

21 THE WITNESS: The report
22 describes my methodology, the
23 kinds of people I talk with, the
24 kinds of schools, variety of

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1 schools in which I've had those
2 interactions, the methodology that
3 I use when I provide executive
4 coaching or educational consulting
5 to a school or a school district.

6 And it's from those
7 interactions and that activity
8 that I've gained the view
9 reflective in my opinions about
10 the negative impact of students'
11 compulsive personal social media
12 use on schools and school
13 districts.

14 ATTORNEY PISTILLI: Move to
15 strike as nonresponsive.

16 BY ATTORNEY PISTILLI:

17 Q. My question was, there's no
18 way anyone could know who you spoke with
19 or what they told you other than taking
20 your word for it, correct?

21 ATTORNEY MEHRI: Objection.
22 Asked and answered. And
23 argumentative.

24 THE WITNESS: Yeah, I guess

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1 I -- I think I answered the
2 question already.

3 BY ATTORNEY PISTILLI:

4 Q. How would I go about knowing
5 who you spoke with or what they told you?

6 A. I don't know that knowing
7 the specifics of what schools I went to
8 or who I talked to would shed light.

9 I think that anyone who
10 spends time, as I have, in the ways that
11 I have with some background in how
12 schools work and in public education, who
13 talks to -- you know, it doesn't have to
14 be, like, 350 to 400 people over six
15 years, but a fairly decent sample size of
16 school leaders and school district
17 leaders would learn from those
18 interactions that there are patterns of
19 harm to school districts and schools that
20 emanate from the compulsive personal use
21 of social media -- student use of social
22 media.

23 It's not just my word for
24 it. It's also existent in the testimony

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1 on record from lots of different school
2 and school district leaders, as well as
3 in much of the literature.

4 And my understanding is some
5 of the other experts have some similar
6 things to say.

7 ATTORNEY PISTILLI: Move to
8 strike as nonresponsive.

9 BY ATTORNEY PISTILLI:

10 Q. How would I go about knowing
11 who you spoke with or what they told you?

12 ATTORNEY MEHRI: Objection.
13 Asked and answered. And you're
14 being argumentative.

15 THE WITNESS: Yeah, I think
16 you asked me this question three
17 times now. I don't have anything
18 new to say.

19 BY ATTORNEY PISTILLI:

20 Q. It's not possible for me to
21 know who you spoke with or what they told
22 you; true or false?

23 A. That's the same question in
24 a different form. I've already answered

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1 it a couple of times.

2 Q. You have not, sir. You have
3 not answered it.

4 I would like you to tell the
5 jury how they could know who you spoke
6 with and what they told you.

7 ATTORNEY MEHRI: Objection.

8 Asked and answered.

9 THE WITNESS: I understand
10 that that's what you would like.

11 I've already --

12 BY ATTORNEY PISTILLI:

13 Q. But you're not willing to do
14 it, correct?

15 A. I've answered.

16 The opinions that I rely on
17 reflect a methodology of interaction
18 across a large number of -- of school
19 leaders and aspiring school leaders.

20 Their experiences are also
21 reflected in testimony on record, where
22 you have a large body of accounts.

23 ATTORNEY PISTILLI: Move to
24 strike as nonresponsive.

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1 BY ATTORNEY PISTILLI:

2 Q. Let's take a look at
3 Paragraph 18 of your report.

4 ATTORNEY MEHRI: Say that
5 again, Chris. Where are we again?

6 ATTORNEY PISTILLI: 18 of
7 the rebuttal report.

8 ATTORNEY MEHRI: Paragraph
9 18?

10 ATTORNEY PISTILLI: Yes.

11 BY ATTORNEY PISTILLI:

12 Q. Do you see in Paragraph 18
13 you write, Quantitatively, my insights
14 are built from sustained interactions
15 with hundreds of leaders over time.

16 Who are those hundreds of
17 leaders?

18 A. Those are leaders in school
19 districts where I either have graduate
20 students who are aspiring leaders and
21 they work in those schools. Some of them
22 are also already leaders and they are
23 aspiring to a higher position. They are
24 leaders in the school districts where I

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1 have worked as an educational consultant.

2 There are also leaders
3 outside of that pool in two respects.
4 One, I -- as part of my responsibilities,
5 I lead a school study council that
6 includes about 25 districts and their --
7 members of their leadership teams. And I
8 also participate in a network in New
9 Jersey that has a dozen or so districts a
10 year.

11 As well as interactions that
12 are more informal and less contracted
13 with colleagues that I know
14 professionally and encounter at
15 conferences or in other conversations
16 across the country.

17 Q. What are the names of those
18 leaders?

19 A. Yeah. I realize you're
20 going to keep asking me the names of the
21 leaders over and over again.

22 And what I'm testifying to
23 in the report is that the specific
24 anecdotes, the specific schools, the

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1 specific leaders, they're all informative
2 of the generalized patterns that I'm
3 attesting to in my report on the basis of
4 my experience, these interactions, the
5 research and literature that I read, and
6 the testimony on record.

7 So similar to what you asked
8 me earlier, to account -- to recount
9 specific observations, you're now asking
10 me to identify specific conversations.

11 And they're just not -- they
12 don't -- they don't add to the weight of
13 my report in isolation.

14 Q. So I take it you're also not
15 willing to tell me about any of the
16 specific anecdotes on which your opinions
17 are based in part?

18 A. I think we went over that
19 territory this morning. My response has
20 not changed.

21 Q. So you're not going to do
22 it?

23 A. I'm not. Because what's
24 going to happen if we do -- if we go

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1 there is then you're going to pick apart
2 the particular anecdote in an attempt to
3 deflect blame or isolate something that
4 is not at issue.

5 What I'm saying here is that
6 as a result of all of this evidence, the
7 convergence of evidence, declarations at
8 a high level like the Surgeon General,
9 we're seeing increases in mental health
10 stress, we're seeing increases in
11 interruptions to the school environment,
12 we're seeing increases in generalized
13 anxiety and students being apprehensive
14 about their social standing in their
15 compulsive need for validation on the
16 platforms in ways that is impacting on
17 the school environment, school
18 operations, the work of school leaders,
19 the work of school district leaders,
20 making it more difficult for those school
21 officials and teachers to advance
22 teaching and learning in their schools.

23 Q. You don't think the jury is
24 entitled to pick apart the particular

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1 anecdotes on which your opinions are
2 based to determine for themselves whether
3 they actually support your sweeping
4 conclusions?

5 ATTORNEY MEHRI: Objection
6 to asking him for a legal
7 conclusion.

8 THE WITNESS: Yes, that's
9 what I -- thank you. That's what
10 I was just going to say.

11 I'm not -- I'm not a lawyer.
12 I don't know what the jury is
13 entitled to or not.

14 BY ATTORNEY PISTILLI:

15 Q. Well, you understand that
16 you're here under oath today to provide
17 testimony to the jury, right?

18 A. I understand that, yes.

19 Q. Right. But you're not
20 willing to tell the jury the particular
21 anecdotes because you don't want them
22 picked apart, right?

23 ATTORNEY MEHRI: Objection.
24 Mischaracterizes testimony.

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1 THE WITNESS: And I may have
2 misheard your prior question.

3 Would you reframe, please?

4 BY ATTORNEY PISTILLI:

5 Q. You're not willing to tell
6 the jury the particular anecdotes because
7 you don't want them picked apart, right?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: That's not it.
10 It's that it's my belief that the
11 opinions that I offer and the
12 methodology that I describe within
13 the report stands on its own
14 merit, stands on its own two feet,
15 so to speak, and that I do not
16 need to deliver now new or
17 additional evidence that exceeds
18 what I've already described in my
19 report or in the reply to the
20 rebuttals.

21 BY ATTORNEY PISTILLI:

22 Q. Sir, this is the evidence
23 you rely on in your report.

24 Those anecdotes form the

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1 basis for your opinion; true or false?

2 ATTORNEY MEHRI: Objection.

3 And argumentative.

4 Mischaracterizes his testimony.

5 THE WITNESS: It is a
6 mischaracterization to call them
7 anecdotes.

8 BY ATTORNEY PISTILLI:

9 Q. You called them anecdotes,
10 sir.

11 ATTORNEY MEHRI: We're
12 getting into an argument. Let's
13 ask questions and --

14 THE WITNESS: Yeah. I
15 thought you said at the beginning
16 that if I was answering a question
17 you would allow me to finish and
18 that I wasn't also to interrupt
19 you.

20 BY ATTORNEY PISTILLI:

21 Q. We've both lapsed on
22 occasion. I apologize.

23 A. Okay. I don't -- I don't
24 think that I have. But I appreciate your

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1 apology.

2 The -- it's a
3 mischaracterization to call what I'm
4 describing anecdotal. You are asking for
5 anecdotes, and that's what I'm describing
6 as anecdotes, the particular one-off
7 stories that you want me to provide in
8 response to your question.

9 But my -- the basis of my
10 opinion is not anecdotal. If it were a
11 single story or a handful of stories, it
12 could be characterized as anecdotal. But
13 it's not.

14 I've been doing this for a
15 long time in a lot of different places,
16 interacting with a lot of different
17 school leaders, with a primary concern of
18 assisting them in being effective in
19 their positions so that they can deliver
20 the best possible education for our
21 nation's kids.

22 And I'm attuned to the
23 challenges and struggles that they face
24 in doing their work as a result of all of

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1 these interactions and the bulk of my
2 career being involved in this work.

3 Q. You rely, as a basis for
4 your opinions, on conversations you've
5 had with school leaders; true or false?

6 A. I rely in part, as a basis
7 for my opinions, on the patterns that
8 I've gleaned from numerous conversations
9 over a long period of time in different
10 types of schools with school leaders and
11 aspiring school leaders.

12 I say "in part" because it's
13 not my sole reliance. I also rely on the
14 experience that I bring to this as a
15 school leader and practitioner, on the
16 research that I reviewed as a result of
17 doing a literature review, as well as the
18 testimony on record from many others who
19 attested to the harmful effects of
20 compulsive personal student use of social
21 media on their school environments or
22 their school districts.

23 Q. In Paragraph 18, you use the
24 word "quantitatively."

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1 What do you mean by that?

2 A. What I meant by that is I
3 wanted to provide a way to understand the
4 robustness of the sample size that I'm
5 talking about.

6 Since my methodology relies
7 on qualitative methods, I wanted to make
8 sure I included something that indicates
9 that this isn't just going to a school or
10 two, this isn't just a single district,
11 this isn't just one year of paying
12 attention to the problems because I got
13 asked to do this.

14 This is a career's worth of
15 work that reflects teaching graduate
16 students, about 40 a year, who are public
17 school leaders or aspiring leaders;
18 executive coaching one-on-one to a couple
19 dozen, maybe 15, 20 school and school
20 district leaders annually, that varies by
21 year; working with districts who
22 participate in the study council or in
23 the network of superintendents; and that
24 since leaving the superintendency, this

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1 has become a large number of interactions
2 and touch points from which my opinions
3 are, in part, derived.

4 Q. You've not done any
5 quantitative analyses, have you?

6 A. This is another area that
7 we've been over well. So I'll repeat
8 again that I've not done any quantitative
9 analysis.

10 My report does not claim to
11 have done any quantitative analysis.
12 It's not the basis of my expertise.

13 I also didn't see it as
14 necessary for the task that I was given.
15 And it's my understanding that other
16 experts may have done so.

17 Q. You implemented budgets when
18 you were a superintendent, correct?

19 A. I'm sorry, I didn't hear
20 you. Sorry.

21 Q. You implemented budgets when
22 you were a superintendent?

23 A. I guess you could call -- I
24 don't know what you mean by "implemented

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1 budgets." But yes --

2 Q. You were in charge of the
3 budgeting process?

4 A. As superintendent, I had a
5 role in the development of the school
6 district budget, yes.

7 Q. And, typically, you would be
8 the one who would present it to the
9 board?

10 A. Yes, typically.

11 Q. And would you agree that
12 part of the budgeting process is making
13 sure that the plans for spending for the
14 next year align with the district's
15 current priorities?

16 A. I would agree, yes, that
17 that's a -- that's a major part of the
18 budgeting -- budget developing process is
19 to align resource allocation with
20 initiatives and priorities, yes.

21 Q. Because you want the budget
22 to align with addressing any significant
23 areas of concern that the district is
24 facing, right?

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1 ATTORNEY MEHRI: Objection.

2 Go ahead.

3 THE WITNESS: To the extent
4 possible. There's quite a number
5 of constraints. But, yes, I would
6 agree with that.

7 BY ATTORNEY PISTILLI:

8 Q. And school district
9 budgeting processes are typically public
10 and well documented processes, correct?

11 A. Typically, there's public
12 discourse, as well as public
13 documentation regarding a school
14 district's budget.

15 The degree to which
16 that's -- what -- what did you call --
17 you used an adjective there, I think.

18 Q. Typically public and well
19 documented processes?

20 A. Yeah. The degree to which
21 you might call it well documented is
22 maybe a little subjective and would vary
23 across districts.

24 But typically they all have

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1 some kind of public-facing documentation,
2 yes.

3 Q. Switching gears.

4 We agreed earlier that
5 you're not an expert in platform design,
6 right?

7 A. We did. I'm not an expert
8 in platform design.

9 Q. Sure. And I just want to
10 probe that a little bit.

11 Do you know what the acronym
12 "UI" stands for?

13 A. I do not know what the
14 acronym "UI" stands for.

15 Q. Do you know what content
16 ranking is?

17 A. I don't know what content
18 ranking is.

19 Q. Do you know what candidate
20 generation is?

21 A. I don't know what candidate
22 generation is.

23 Q. Do you know what a
24 classifier is in the context of

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1 recommendation algorithms?

2 A. I don't know what a
3 classifier is in the context of algorithm
4 recommendations, no.

5 Q. Do you know what an
6 interface -- interface interference is?

7 A. I don't know what interface
8 interference is.

9 Q. Do you know what UX design
10 principles are?

11 A. I don't know what UX design
12 principles are.

13 Q. Do you have any technical
14 knowledge of how recommendation
15 algorithms work?

16 A. I don't have any technical
17 knowledge of how algorithm
18 recommendations work.

19 Q. Do you have an Instagram
20 account?

21 A. I don't have an Instagram --
22 I might have an Instagram account. I
23 think at one point I probably opened one.
24 But if it still exists, I

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1 don't know. It's not something I ever
2 use anymore.

3 Q. Have you ever posted
4 anything on Instagram?

5 A. I don't think I've ever
6 posted anything on Instagram, no.

7 Q. When was the last time,
8 approximately, that you opened your
9 Instagram account?

10 A. I have no idea. Years.

11 Q. Do you have any firsthand
12 experience with Instagram's features?

13 A. No, not really. None to
14 speak of.

15 Q. Do you know what Reels is?

16 A. I think I know what Reels
17 is, yeah.

18 Q. What's Reels?

19 A. I think Reels are the little
20 videos that play on Facetime. I think
21 that's what they are.

22 But this is not really my
23 expertise, so I'm not sure. They're
24 called different things in different

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1 places. And I'm not one to keep track of
2 all that.

3 Q. Do you know the difference
4 between Reels and Explore?

5 A. The difference between Reels
6 and Explore?

7 Q. Yes.

8 A. No.

9 Q. Can you explain how autoplay
10 works on Instagram Reels?

11 A. I don't think so. I don't
12 know how this stuff works. Like, I don't
13 know how the coding works and everything.

14 I think what you mean is
15 that when one reel is over another one
16 starts. I think.

17 But I don't -- I don't know
18 if that's what you mean by autoplay.

19 Q. So, then, I take it you're
20 not able to explain to me how autoplay
21 works on Reels?

22 A. Didn't I just answer that
23 question?

24 ATTORNEY MEHRI: Do you need

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1 more water?

2 THE WITNESS: No.

3 ATTORNEY MEHRI: Okay.

4 BY ATTORNEY PISTILLI:

5 Q. You said, I don't know what
6 you mean by autoplay.

7 My question was, do you know
8 how autoplay works on Reels?

9 A. No, I think I said more than
10 that. But I'll try to say it again.

11 I don't know what auto -- I
12 don't know how autoplay works on Reels,
13 like, I don't know how that stuff is
14 coded or how it really works.

15 I think autoplay is when one
16 reel ends and another one starts. I
17 think that's what you mean by autoplay.
18 But I don't know, because this is, like,
19 not really my area of expertise.

20 Q. Do you have a Facebook
21 account?

22 A. I do have a Facebook
23 account, yes.

24 Q. How often do you use it?

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1 A. I use the Facebook account
2 occasionally. Like, it depends on the
3 time of year. I primarily use the
4 Facebook account to stay in touch with an
5 interest group around parents of a
6 particular college.

7 So there's -- like, there
8 might be more activity in September, say,
9 and then I stop looking.

10 So not very often.

11 Q. How long have you had a
12 Facebook account?

13 A. Oh, I have no idea. A long
14 time.

15 Q. Do you post things on
16 Facebook?

17 A. I don't.

18 Sorry. Occasionally if I
19 have a specific question that I need
20 answered by that interest group that I
21 spoke about, I will sometimes post there
22 as a way to try to get information.

23 Q. Do you know --

24 A. I have done that, yeah.

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1 Q. Do you know what Facebook's
2 News Feed feature is?

3 A. Okay. Not really. But what
4 I think it is is that in the -- in what
5 people see is included news pieces in
6 what they see in I guess what's called
7 their feed.

8 I think that's what it
9 means. I'm not quite sure. This is not
10 my area of expertise.

11 ATTORNEY MEHRI: I'll just
12 caution the witness not to
13 speculate.

14 If you know the answer --

15 THE WITNESS: Okay.

16 ATTORNEY MEHRI: -- you can
17 answer.

18 THE WITNESS: Thank you.

19 BY ATTORNEY PISTILLI:

20 Q. Do you have any firsthand
21 experience with the Facebook Messenger
22 feature?

23 A. I do. Very limited, yes.

24 Q. What is that experience?

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1 A. That experience is that
2 there was something that someone said
3 that they found on Facebook Marketplace
4 that we might be interested in getting,
5 because we wanted this, like, particular
6 thing.

7 And I found it and I
8 messed the person who was selling it,
9 and they messaged me back.

10 Q. Do you have familiarity with
11 Facebook Stories?

12 A. No, I don't know what
13 Stories are.

14 Q. Do you know what Facebook
15 Live is?

16 A. Sort of, because there -- I
17 don't want to speculate.

18 But I saw a movie where
19 somebody put somebody on Facebook Live.
20 So I think it's just a way of
21 broadcasting live what's happening in
22 realtime through the phone's video
23 functionality.

24 Q. Do you have a Snapchat

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1 account?

2 A. I do not have a Snapchat
3 account, no.

4 Q. Do you have any firsthand
5 experience with any of Snapchat's
6 features?

7 A. I don't.

8 Q. No firsthand experience with
9 its chat function?

10 A. I don't have any firsthand
11 experience with any of Snapchat's
12 features.

13 Q. Do you have a TikTok
14 account?

15 A. No.

16 Q. Do you have any firsthand
17 experience with any of TikTok's features?

18 A. Yes.

19 Q. Which features are those?

20 A. I don't know what the
21 features would be called. But, like,
22 I've seen the videos on my phone.

23 Q. Do you know what TikTok's
24 For You feed is?

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1 A. No.

2 Q. Do you know what TikTok's
3 Following feed is?

4 A. No.

5 Q. Do you know what TikTok's
6 Discover feed is?

7 A. No.

8 Q. Do you know what TikTok Live
9 is?

10 A. No.

11 Q. Do you have a YouTube
12 account?

13 A. I don't think I have a
14 YouTube account. That's -- like, I've
15 looked at YouTube. But I think it's a
16 different thing to have an account then
17 to look at videos.

18 Q. Do you post things on
19 YouTube?

20 A. No.

21 Q. Do you have any firsthand
22 experience with YouTube's features?

23 A. Yes.

24 Q. What is that experience?

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1 A. Well, so I've accessed
2 videos on YouTube occasionally and watch
3 them. And I see that there's a
4 content -- a comment section, I think
5 that's a feature. I've not posted
6 comments, but I've seen it.

7 And then on the right side
8 they have, like, other things that you
9 might be interested in looking at. And I
10 think that that's a -- what you would
11 consider a feature.

12 So I've seen -- like, I've
13 seen that.

14 Q. Do you have firsthand
15 experience with YouTube's home page?

16 A. No. I didn't know there was
17 a home page for YouTube.

18 Q. Any experience with its
19 subscriptions page?

20 A. No.

21 Q. Any experience with YouTube
22 Shorts?

23 A. YouTube Shorts? I don't
24 think so.

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1 Q. If we could, let's go back
2 to Exhibit-7, which is your original
3 report. And we'll take a look at
4 Page 30.

5 Do you see Paragraph 104?

6 A. Yes.

7 Q. You say there, The current
8 school context has been radically altered
9 by social media platforms' unregulated
10 and psychologically manipulative nature.
11 Designed to capture and hold user
12 attention through feeds, infinite
13 scrolling, and realtime notifications,
14 these platforms have created conditions
15 of compulsive use, particularly among
16 adolescents.

17 My question for you, sir, is
18 what is your basis as an expert for that
19 statement?

20 A. So mostly my learning about
21 this comes through the literature review
22 that I did. I think some of it may have
23 come through the testimony on record as
24 well, but I'm not -- I'm not entirely

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1 sure of that.

2 And it was in doing some of
3 the reading that I came to really
4 understand that there are design features
5 that are intended to capture and
6 manufacture attention as the product that
7 is being sold.

8 And that the design of the
9 social media platforms also exploits
10 vulnerabilities in young people, in
11 children and teens and adolescents whose
12 frontal cortex is still developing, as a
13 way to encourage their compulsive use so
14 that they extend their engagement on the
15 platforms.

16 And that that is linked to
17 mental health issues that are rising, to
18 attention span issues, to students -- to
19 children, adolescents feeling, like,
20 socially anxious. The way that they're
21 concerned about their social status is
22 now, you know, quantified, I guess, in a
23 way by how much attention they get on the
24 platforms; their -- their need to feel

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1 sort of continuously connected so that
2 they don't miss anything or they don't --
3 you know, there's like a social
4 accountability, I guess you could say,
5 where they need to respond and be in the
6 mix on the platforms all the time.

7 So that learning from the
8 literature also converged with much of
9 what I was seeing about the effects on
10 schools and what school leaders are
11 dealing with. Like, the ideas really
12 came together there about what is really
13 going on and led to the opinions that I
14 offer in the report.

15 Q. I believe you agreed with me
16 that you're not a platform design expert,
17 right?

18 A. I am not a platform design
19 expert.

20 Q. You're not a psychologist or
21 a psychiatrist or people -- someone who
22 studies the frontal cortex, right?

23 A. I'm not a psychologist or a
24 psychiatrist or someone who studies brain

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1 development specifically, no.

2 Q. And do you plan to tell the
3 jury that it is your expert opinion that
4 defendants' platforms were designed to
5 capture and hold user attention?

6 A. Let me -- let me just check
7 my -- my intent is to testify to the
8 opinions that I offer.

9 And the paragraph that you
10 pointed to is, like, supporting of an
11 opinion. So let me just look at the
12 opinions.

13 You're asking me, I think,
14 if I specifically intend to offer an
15 opinion that there's an intentional
16 nature to the design of the platforms in
17 order to engage student attention and
18 prolong that attention?

19 Q. I'm asking whether you plan
20 to tell the jury that it's your expert
21 opinion that defendants' platforms are
22 designed to capture and hold user
23 attention.

24 A. I think that would be

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1 outside my opinions and outside of my
2 expertise.

3 So sitting here now, it
4 wouldn't be my intention and it's not in
5 the language of my opinions, although
6 there is, as you just pointed out, some
7 language in a supporting section.

8 But that would not be my
9 intention. I think I would leave that to
10 other experts who would know more about
11 that than me.

12 Q. And do you recall earlier
13 that we had some discussions about
14 platform features that, in your opinion,
15 contribute to schools' social
16 media-related harm? Do you recall that
17 discussion this morning?

18 A. I think I remember it a
19 little bit differently than you just
20 described it.

21 Because I think what I
22 recall is you asking me about a number of
23 features and me replying that the
24 specific features, like, how they worked,

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1 how they're designed, how they're coded,
2 which platforms have which features, when
3 and how the features change, how they
4 interact with each other, all that kind
5 of thing is something that I don't know
6 about and is outside the area of
7 expertise.

8 And you just asked me right
9 now if we had a conversation about the
10 features.

11 So maybe we're talking about
12 the same thing. But I just wanted to
13 characterize it the way that I remember
14 it.

15 Q. Sure.

16 So you -- broadly speaking,
17 your testimony is that schools and school
18 districts have been harmed as a result of
19 students' social media use, correct?

20 A. Well put. Yes.

21 Q. And when you talk about
22 those harms caused by social media, you
23 mean to include in that harms caused by
24 feeds, infinite scrolling and realtime

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1 notifications, correct?

2 ATTORNEY MEHRI: Objection.

3 THE WITNESS: I know I put
4 them here as sort of illustrative
5 examples, but I don't -- it's not
6 my intention to really talk about
7 any particular features. There --
8 that's sort of outside my area of
9 expertise.

10 BY ATTORNEY PISTILLI:

11 Q. But it's also not your
12 intention, when considering whether
13 school districts have suffered social
14 media harm, to exclude feeds or infinite
15 scrolling or realtime notifications,
16 right?

17 ATTORNEY MEHRI: Objection.

18 THE WITNESS: I'm having
19 trouble with the logic of your
20 question, because you're asking
21 me, like, my intention to not
22 include something or something
23 like that?

24 Just, will you help me

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1 understand what you're asking me?

2 BY ATTORNEY PISTILLI:

3 Q. Sure.

4 When you offer testimony
5 about what you view as social media
6 harms, you're -- you're not excluding
7 from that harms that flow from
8 interactions with features that include
9 feeds, infinite scrolling and realtime
10 notifications, are you?

11 ATTORNEY MEHRI: Objection.

12 THE WITNESS: It's really a,
13 like, particular -- particular
14 sort of phrasing of the question.

15 It's not my intent to
16 exclude or include any particular
17 features. It would be my intent
18 to say I'm not really an expert on
19 the features, because that's true,
20 I think they change a lot.

21 As you just established, I
22 don't have a ton of firsthand
23 experience.

24 It would be my intent to say

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1 that there are these features that
2 lead to compulsive use on the part
3 of young people and adolescents.
4 And that that compulsive personal
5 use of social media by school-aged
6 children is creating a burden on
7 schools that challenge resource
8 allocation, divert leadership
9 time.

10 So I wouldn't -- I would
11 make the link between the design
12 features' intention to prolong
13 engagement having an impact on the
14 school environment and posing new
15 harms and exacerbating existing
16 harms, especially to the leaders
17 who are attempting to fulfill
18 their leadership duties.

19 BY ATTORNEY PISTILLI:

20 Q. And the features that impose
21 harms on school districts include the
22 ones you reference in Paragraph 104 of
23 your report, right, feeds, infinite
24 scrolling and realtime notifications?

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1 ATTORNEY MEHRI: Objection.

2 THE WITNESS: My -- my
3 reading of the literature is that,
4 yeah, they do. And probably some
5 others.

6 I just am not able to speak
7 to the details of all of this,
8 because I don't understand how
9 they're coded or what their
10 particulars are or the differences
11 among the platforms or how the
12 features interact with one
13 another.

14 So I think in terms of,
15 like, naming particular features,
16 that wouldn't be my intent. I
17 would leave that for other experts
18 who understand this stuff better
19 than me to do.

20 But what I have observed and
21 what I see in a convergence of
22 evidence is that the cumulative
23 effects of this have created,
24 like, a generalized anxiety,

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1 destabilized school environments,
2 challenged resource allocations
3 because of the greater need for
4 mental health services, diverted
5 leadership attention so now
6 they're paying attention to
7 intervening in social media
8 associated crises and addressing
9 students' increased anxiety and
10 teachers' struggles with
11 attention, student attention, that
12 kind of thing.

13 That's where -- that's where
14 I think my expertise lies.

15 BY ATTORNEY PISTILLI:

16 Q. If we could go back to your
17 rebuttal report, Exhibit-8, and look at
18 Page 3, please.

19 A. Sure.

20 Q. And in Footnote 1, you say,
21 In their July 2025 reports, Robert W.
22 Platt, Ian Gotlib and Randy Auerbach each
23 assert that I opine in my May 16th, 2025,
24 report that the scientific evidence

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1 supports the position that social media
2 causes poor mental health outcomes among
3 students in educational settings.
4 Although -- although it is my
5 understanding that other experts have
6 offered opinions in support of this
7 position, neither my May 2025 report nor
8 this rebuttal report addresses that
9 issue.

10 Do you see that?

11 A. I do, yeah.

12 Q. And do you stand by that
13 statement in your rebuttal report?

14 A. For the most part. I mean,
15 I'm not a statistician. I'm not a
16 clinical psychologist. I'm not a mental
17 health expert. I don't conduct, like,
18 controlled studies.

19 So my understanding here of
20 scientific evidence, that -- the use of
21 scientific evidence is kind of best left
22 to people who are statisticians or
23 scientists or engaged deeply in this
24 material. They are the people who

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1 conduct the research themselves.

2 For me, I would -- in this
3 respect, as far as reading literature,
4 I'm more of a -- of a consumer of their
5 reports. And their reports have, you
6 know, informed how I think about these --
7 about these issues.

8 Q. But you don't intend to
9 offer to the jury the expert opinion that
10 the scientific evidence supports the
11 position that social media causes poor
12 mental health outcomes among students in
13 educational settings, do you?

14 A. I think that's best left to
15 other experts who understand the
16 statistics and the research design that
17 would enable someone to make such a
18 claim.

19 Q. You are not qualified to
20 offer an expert opinion that the
21 scientific evidence supports the position
22 that social media causes poor mental
23 health outcomes among students in
24 educational settings, right?

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1 A. I can read the literature.
2 So I can say that these studies influence
3 how I think about these things and that
4 is part of how I came to the opinions
5 that I have.

6 But as far as the -- the
7 exact, like, nature of the causality and
8 how it works, like, how exactly it causes
9 these mental health outcomes, I would
10 want to leave that to other experts who
11 are statisticians or scientists or
12 conduct research into this particular
13 question.

14 Q. Right. Because you're not
15 an expert in mental health, right?

16 A. Yeah, I think you asked me
17 that earlier, maybe a couple of times.
18 And I think I also just said that.

19 I'm not an expert in mental
20 health. And I'm not a statistician. And
21 I'm not, like, a data scientist or
22 clinical psychologist or any of those
23 things.

24 ATTORNEY PISTILLI: Good

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1 time for a break.

2 THE WITNESS: Yes. I have
3 to go to the bathroom again.
4 Thank you.

5 VIDEO TECHNICIAN: The time
6 is 3:57 p.m. This is the end of
7 Media 5, and we are going off the
8 record.

9 - - -

10 (Whereupon, a brief recess
11 was taken.)

12 - - -

13 VIDEO TECHNICIAN: The time
14 is 4:22 p.m. This is the
15 beginning of Media 6, and we're
16 going back on the record.

17 BY ATTORNEY PISTILLI:

18 Q. Dr. Osborne, you've referred
19 at various points today to a literature
20 review you conducted.

21 Could you please describe
22 that literature review?

23 A. Sure. My literature review
24 was I used Google Scholar to find

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1 articles related to social media and
2 student mental health. I entered, like,
3 various keywords in there. I can't
4 remember exactly what, but social media,
5 mental health, schools.

6 And then I just downloaded
7 and skimmed and read articles that seemed
8 like they would be relevant.

9 Q. And in the course of that
10 literature review, did you identify any
11 articles that suggested there was not a
12 causal connection between social media
13 use and mental health harms?

14 A. I didn't -- that the article
15 suggested that there's not a causal link?

16 I don't know. I don't
17 remember. Throughout the articles, it
18 seems like the preponderance of evidence
19 is that there's linkages to -- to mental
20 health concerns.

21 Q. You don't recall whether you
22 reviewed any articles that contradicted
23 that view?

24 A. I don't recall any specific

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1 articles that, like, contradicted that
2 view.

3 There were -- there were
4 articles that may have said that there's
5 evidence mixed or there's a need for more
6 research or something statistically
7 wasn't significant or something like
8 that.

9 Q. And was your literature
10 review limited to the impact to -- of
11 social media and student mental health?

12 ATTORNEY MEHRI: Objection.

13 THE WITNESS: No, because
14 part of the literature review that
15 I was doing initially was around
16 the importance of school leaders
17 and what their scope of duties and
18 responsibilities are.

19 So I did some on the, like,
20 the purpose of public education.
21 Some on the role of educational
22 leaders, like what's the
23 importance of them being able to
24 do their work well. And then

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1 social -- like, adolescent,
2 childhood social media use and
3 mental health.

4 I don't remember all, like,
5 the keywords that I used. But
6 that's -- I felt like finding
7 literature and research that
8 addressed those questions would
9 help enable me to understand the
10 task that I was given to take a
11 look at what's the impact of
12 social media on schools and school
13 leaders.

14 BY ATTORNEY PISTILLI:

15 Q. And did you do a literature
16 review on any topics other than the
17 purpose of public education, educational
18 leadership and social media use and its
19 connection to mental health issues?

20 A. Probably, because I used a
21 variety of different keywords.

22 But I think that, in the
23 main, captures what I did.

24 Q. Anything else that you can

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1 recall as you sit here today?

2 A. As I sit here today, no, I
3 don't -- I don't remember specifically,
4 like, what other keywords I would have
5 put into Google Scholar to identify
6 articles that I should read.

7 Q. And, then, did you read all
8 the articles that you relied on in your
9 report?

10 A. I did, yeah.

11 Q. And you ensured yourself
12 that they were well founded?

13 A. What do you mean by that?

14 Q. That they were credible
15 scholarship, that it would be appropriate
16 to rely on?

17 A. Yeah, I think that's fair.
18 Like, I don't -- I'm not a
19 researcher, a methodologist. So I don't
20 have a rubric for what would be, what did
21 you call it, well -- well --

22 Q. Well founded?

23 A. -- well founded methodology.
24 But what I was paying

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1 attention to was, you know, where did it
2 appear; because some of the scholarly
3 journals, I would infer an inclusion in
4 some of those journals means that it's
5 pretty well founded.

6 And I did look at the
7 methodology to get whether it was, like,
8 a meta-analysis of other literature or a
9 qualitative study or a case -- single
10 case study, like what kind of study it
11 was. Yes.

12 Q. Let's take a look at your
13 rebuttal report, which I believe is
14 Exhibit-8, if you go to Page 10.

15 You see in the footnote
16 there you cite an article by Popat, S.,
17 and Tarrant, A., 2023, Social Media,
18 Mental Health and Young People: Emerging
19 Research and Implications in the Youth
20 Studies Journal?

21 A. Yes.

22 Q. Do you know who S. Popat or
23 A. Tarrant are?

24 A. Beyond them being authors

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1 about this, no.

2 Q. So you don't -- besides the
3 fact that they authored this article, you
4 don't know anything about them?

5 A. I didn't, as part of my
6 literature review, like, look into the
7 background or particularities of the
8 authors.

9 I didn't think it was
10 necessary. And I didn't take the time to
11 do that.

12 Q. Are you aware that there's
13 no journal called Youth Studies Journal?

14 A. I guess I am now.

15 I said I know that there are
16 a couple of places, this may be one,
17 where my citations are faulty.

18 Q. When -- when did you learn
19 that your citations were faulty?

20 ATTORNEY MEHRI: Objection.

21 THE WITNESS: I don't
22 recall. When -- when preparing
23 for this.

24 BY ATTORNEY PISTILLI:

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1 Q. Did you make any effort to
2 correct your citations?

3 A. Yes.

4 Q. What efforts were those?

5 A. I looked at the materials
6 cited in the May 16th report and
7 recreated the citations to identify if
8 there were any errors. And if there
9 were, what errors there were.

10 Q. Did you identify your
11 citation to S. Popat and A. Tarrant in
12 the Youth Studies Journal as an error?

13 A. I think that I did, yes.
14 But I don't recall exactly.

15 Because I think this is one
16 where there was a -- there was an article
17 by the same authors that is the article
18 that I used and referred to.

19 Q. By S. Popat and A. Tarrant?

20 A. Yeah. Yeah. This is the --
21 yeah, I don't have those articles here.

22 But I downloaded articles,
23 and I put them in the folder with names
24 of -- the names of the authors or the

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1 organization. And that's what I worked
2 from.

3 ATTORNEY PISTILLI: We'd
4 call for the production of those
5 articles.

6 BY ATTORNEY PISTILLI:

7 Q. Were you, perchance, meaning
8 to refer here to the Journal of Youth
9 Studies?

10 A. I don't know. I don't
11 recall.

12 Q. Well, unlike Youth Studies
13 Journal, are you aware that there is a
14 journal that exists called the Journal of
15 Youth Studies?

16 A. I'm not really familiar with
17 all the journals that exist. So I don't
18 know. I'd have to look for that.

19 ATTORNEY PISTILLI: Let's
20 take a look at Tab 59, please.

21 - - -

22 (Whereupon, Exhibit
23 Osborne-11, No Bates, Journal of
24 Youth Studies, Volume 26, was

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1 marked for identification.)

2 - - -

3 BY ATTORNEY PISTILLI:

4 Q. I'll represent to you that
5 this is a composite exhibit with all ten
6 issues of the 2023 volume of the Journal
7 of Youth Studies.

8 We're going to go ahead and
9 mark this as the next exhibit in turn.

10 I've now handed you
11 Exhibit-11.

12 A. Okay. Thank you.

13 Q. And I can represent to you
14 that Exhibit-11 is a composite with all
15 ten issues of the Journal of Youth
16 Studies for 2023.

17 A. Okay.

18 Q. And looking at that
19 composite exhibit, do you agree with me
20 that there's no article by S. Popat and
21 A. Tarrant that was published in 2023 in
22 the Journal of Youth Studies?

23 A. Yes, I would agree with
24 that.

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1 That -- I think I was trying
2 to explain that that citation is a
3 mistaken duplicate of the other article
4 by the same authors.

5 Q. What's the other article by
6 the same authors?

7 A. I think it's this 2022
8 article. There may be errors in here as
9 well.

10 But there is a Popat and
11 Tarrant article that I used as part of my
12 literature review.

13 Q. Is it cited in your
14 materials considered?

15 A. It's cited in the -- it's
16 cited, maybe incorrectly, in my May 16th
17 report.

18 Q. All right. Let's take a
19 look at another citation in your report.

20 Do you see you've cited
21 there an article by D. Watson, K. Topping
22 and S. Drew from 2022 entitled, The
23 Impact of Social Media Use on Adolescent
24 Mental Health, Systematic Review, Journal

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1 of Adolescence.

2 Do you see that?

3 A. I do. And I do recall that
4 this citation is flawed.

5 There's an article by Watson
6 that I used that -- I think you just
7 asked for all the articles, so we can
8 make sure we provide them -- but the
9 citation here doesn't match the article.

10 The references to Watson in
11 the text should line up and match the
12 article that I intended to cite. But
13 that's the wrong citation.

14 Q. What's the name of the
15 Watson that you intended to cite?

16 A. I don't -- I don't recall,
17 and I didn't bring that corrected list
18 with me.

19 Q. But you have a corrected
20 list?

21 A. I -- yeah, I just -- you
22 asked if I did anything to correct the
23 citations, and I responded to you that I
24 did.

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1 In the materials cited from
2 the May report, I went through the ones
3 that I had downloaded into that folder,
4 and then I double-checked the citations
5 to see if they matched. And I found a
6 number of errors in the citations.

7 This one I do recall
8 because, to my dismay, the last name of
9 the first author matches, but the rest of
10 the citation is -- is faulty.

11 Q. Well, if we can go to
12 Exhibit-7 and look at Page 35 real quick.

13 A. Exhibit-7. Sure.

14 Q. You see on Page 35, in this
15 alphabetical list of references you
16 provide, there's one reference to Watson
17 on Page 35, right?

18 A. Yes. That's the one I just
19 described, that there is an article by a
20 Watson, though last name of the first
21 author is Watson, but it doesn't match
22 the rest of this citation. This citation
23 is erroneous.

24 Q. But this -- it's the same

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1 erroneous citation in both of your
2 reports, correct?

3 A. That's a good question. I
4 think so.

5 Because as I was working
6 through the reply to the rebuttals, I was
7 going back to these citations and looking
8 at where I had made the similar points
9 already in my initial report and then
10 copying and pasting those citations into
11 the footnote.

12 So if it was wrong in the
13 first one, then it's most likely wrong in
14 the second one.

15 Q. And to your knowledge, there
16 is no article by D. Watson, K. Topping
17 and S. Drew entitled, The Impact of
18 Social Media Use on Adolescent Mental
19 Health: Systematic Review?

20 A. Yes.

21 ATTORNEY MEHRI: Objection.
22 Go ahead.

23 THE WITNESS: Oh, I'm sorry.
24 That's correct, yeah.

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1 There's an article by a Watson.
2 But the rest of this citation
3 is -- is erroneous. It's faulty.

4 BY ATTORNEY PISTILLI:

5 Q. Sure. And then if we could
6 just go back to the native version of
7 Exhibit-8, the rebuttal report.

8 A. Sorry, where are we?

9 Q. Page 10 of your rebuttal
10 report.

11 A. Okay. I'm there.

12 Q. Do you see that in your
13 report you provide a URL link to your
14 citation?

15 A. Yeah, I do.

16 ATTORNEY PISTILLI: And if I
17 could just ask if we could, please
18 click on the link that you provide
19 there.

20 BY ATTORNEY PISTILLI:

21 Q. This article doesn't exist,
22 right?

23 ATTORNEY MEHRI: Objection.

24 THE WITNESS: Yeah, that's

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1 correct. To my dismay, I
2 discovered that the article that
3 was authored by a Watson that I
4 did use and is in my list of
5 articles that were part of my
6 literature review and that I did
7 read and inform my opinions
8 doesn't match this citation, to my
9 dismay.

10 And so it's not surprising
11 that this link also does not work.

12 I apologize for that.

13 BY ATTORNEY PISTILLI:

14 Q. Well, you say it's in the
15 list of articles that were part of your
16 literature review.

17 You're referring to your
18 materials considered list, correct?

19 A. Well, no. I was referring
20 to the -- the articles that, as a result
21 of my search for scholarly articles using
22 Google Scholar, that I downloaded into a
23 folder on my computer and named after the
24 last name of the -- like, the file name

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1 itself was named after the last name of
2 the author or, like, the organization
3 that the article was from.

4 And then I worked through --
5 I worked through that. So that's where
6 that article actually, like, sits.

7 And I wish that I had
8 brought the -- the corrected list. But I
9 didn't bring that.

10 Q. Let's take a look at Page 9
11 of your report, Footnote 9.

12 ATTORNEY MEHRI: Page 9 or
13 Footnote 9?

14 ATTORNEY PISTILLI: Both.

15 BY ATTORNEY PISTILLI:

16 Q. Do you see that in
17 Footnote 9 you purport to cite an article
18 by Montag, C., Sindermann, C., Becker,
19 B., and Panksepp, J., from 2021?

20 A. I do.

21 Q. And that's an article
22 entitled, An Affective Neuroscience
23 Framework For the Molecular Study of
24 Internet and Smartphone Use Disorder.

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1 Do you see that?

2 A. I do.

3 Q. And that is from
4 Neuroscience and Biobehavioral Reviews,
5 on Page 571 to 582?

6 A. Yeah. That's what it says
7 here.

8 I'm anticipating you're
9 going to tell me that it doesn't exist or
10 this citation is faulty and the link is
11 broken.

12 That may very well be true.
13 I made some mistakes on the citations.

14 ATTORNEY PISTILLI: Let's
15 take a look at Tab 62, please.

16 - - -

17 (Whereupon, Exhibit
18 Osborne-12, No Bates, Neuroscience
19 and Biobehavioral Reviews, Volume
20 120, was marked for
21 identification.)

22 - - -

23 BY ATTORNEY PISTILLI:

24 Q. This is from the -- the

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1 121st volume of Neuroscience and
2 Biobehavioral Reviews that you cite.

3 And I would just ask you to
4 please confirm for the jury that the
5 article you purport to cite does not, in
6 fact, appear in the Neuroscience and
7 Biobehavioral Reviews?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: Yes, I will --
10 I will confirm that.

11 BY ATTORNEY PISTILLI:

12 Q. I'll hand you what's been
13 marked as Exhibit-12, which is what we've
14 been looking at together on the screen.

15 ATTORNEY PISTILLI: And,
16 then, Ray, if we could click again
17 on the link.

18 BY ATTORNEY PISTILLI:

19 Q. Do you -- do you see, Dr.
20 Osborne, you again have provided a link
21 that purports to take us to the journal
22 article that you've purported to cite?

23 Do you see that?

24 A. Yeah, I see that.

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1 ATTORNEY PISTILLI: And then
2 can we please click on that link?

3 TRIAL TECHNICIAN: Which
4 page is that again? I'm sorry.

5 ATTORNEY PISTILLI: Page 9,
6 the Montag article.

7 TRIAL TECHNICIAN: (Trial
8 tech complies with request.)

9 BY ATTORNEY PISTILLI:

10 Q. And, in fact, you've
11 provided a link to an article entitled,
12 Probiotics Treatment Improves Cognitive
13 Impairment in Patients and Animals: A
14 Systematic Review and Meta-Analysis,
15 correct?

16 A. Yes, I see that that's what
17 it links to.

18 Q. All right. Let's take a
19 look at the immediately following article
20 cited by you in your expert report
21 purportedly by J. Nesi, M.J. Prinstein,
22 and E.H. Telzer.

23 Do you see that one?

24 A. Yes.

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1 Q. And at least according to
2 your citation, this is a 2018 article
3 entitled, Adolescent Social Media Use and
4 Mental Health, a Developmental
5 Neuroscience Perspective in Current
6 Directions in Psychological Science.

7 Do you see that?

8 A. Yeah, I do. I think that's
9 also a bad citation.

10 These authors exist and
11 there's an article that I read and used
12 as part of my literature review. And I
13 think when I -- when I reference it in
14 text, even if the details of the
15 citations are wrong it points to that
16 article.

17 So while it's my intention
18 to provide all of the articles that I
19 used, I think this citation is also off.

20 ATTORNEY PISTILLI: Let's go
21 ahead and again click on the link
22 you provided.

23 TRIAL TECHNICIAN: (Trial
24 tech complies with request.)

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1 BY ATTORNEY PISTILLI:

2 Q. Again, this article doesn't
3 exist, right, even though you cited it?

4 ATTORNEY MEHRI: Objection.

5 THE WITNESS: Well, the --
6 so there is an article that exists
7 by these authors that I did use.

8 You know, I guess this link
9 doesn't go to that article. Some
10 of the other details of the -- of
11 the citation might be incorrect.

12 But there is, yes, an
13 article that exists by these
14 authors that I used.

15 BY ATTORNEY PISTILLI:

16 Q. So your representation is
17 that there's an article by J. Nessi,
18 M.J. Prinstein and E.H. Telzer that you
19 relied on?

20 A. Yeah, that's what I recall,
21 sitting here right now.

22 As I was doing the -- the
23 check on all the citations after
24 realizing that some weren't good, I

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1 matched the citations to the articles
2 that I had downloaded, when I did my
3 search using Google Scholar to match up
4 articles with the -- you know, the
5 citations with actual articles that I
6 read. And this one is one that I recall
7 resides in that folder and that I read
8 and used in the literature review.

9 Q. So we've discussed a number
10 of instances now where you've cited
11 articles that don't exist or at least
12 don't exist by the name they are cited by
13 or don't appear in the -- the journal
14 that you've cited, correct?

15 A. I think there are two
16 that -- that don't exist. The second
17 Popat and Tarrant is actually a duplicate
18 of the first. And then the other one
19 is -- oh, where were we just -- is the
20 Montag, Sindermann article.

21 The others, to my knowledge,
22 actually do exist. I downloaded them
23 into this folder and used them in my
24 literature review. I then, you know,

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1 made the -- what I realize now -- very
2 unfortunate error of trying to use Gemini
3 to APA format those citations and got
4 back bad citations.

5 So there are a couple like
6 that. You -- you found, though, one for
7 Watson, Popat, Montag.

8 But as far as I -- as far as
9 I know, the two -- well, one it's not
10 that it doesn't exist, it's, like, a bad
11 duplicate. And then there's one that I
12 think doesn't exist.

13 But I would have to go back
14 and check. And that's just -- that's
15 just my error for not carefully double
16 checking that.

17 Q. Well, so we'll go through
18 each of them.

19 You agree that there's at
20 least one article you've cited that
21 doesn't exist, right?

22 A. Yeah, I think that that's
23 right. I have to double check.

24 Q. And --

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1 A. When I realized the error, I
2 double checked everything in the
3 citations of the May report, and then I
4 kind of stopped doing that work.

5 So I -- I would have to do
6 the rest of the -- any citation that I
7 put anywhere to double check all that.

8 Q. And it's your testimony that
9 this resulted as a use of your -- as a --
10 as a result of your use of Gemini?

11 A. For the purpose of
12 formatting APA citations. So I took the
13 articles that I read -- I was working
14 from the articles in the alphabetical
15 order as they appeared using the file
16 name that I -- that I downloaded and
17 worked from that list.

18 And then when it just came
19 to, you know, creating citations that
20 comported with the -- with the APA format
21 and structure, instead of using, like,
22 Citation Machine, which I had used
23 before, I just used a tool that was new
24 to me to see if it would work, as an

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1 experiment.

2 And I'm learning the lesson
3 that it didn't work so good.

4 Q. Gemini is artificial
5 intelligence, right?

6 A. Yes.

7 Q. And as a result of your use
8 of artificial intelligence, you agree
9 you've cited at least one article in your
10 report that, in fact, doesn't exist?

11 A. There is -- there is an
12 article in the footnote that I need to
13 double check to see if it was an article
14 that I actually gave to it or how that
15 got in there.

16 Q. What article is that?

17 A. Well, I think it's the one
18 you found. The Montag article.

19 But as I said, when I
20 realized there were these citation errors
21 I went through the work cited in the May
22 16th report. And I haven't gone through
23 all of them in the other reports or the
24 longer list of materials considered to

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1 identify -- like, match them to a
2 specific article or see if they're
3 duplicates or what.

4 Q. So sitting here today,
5 you're not even certain that some of the
6 materials that you cited to the court and
7 to the jury in your report are real,
8 right?

9 ATTORNEY MEHRI: Objection.

10 THE WITNESS: No, I'm fairly
11 certain that they're -- they're
12 all real or maybe all real except
13 for this one.

14 Granted, there's some more
15 due diligence that I -- that I
16 need to do for verification
17 purposes.

18 BY ATTORNEY PISTILLI:

19 Q. Were you informed that
20 there's an order in this case that says,
21 Parties and counsel shall not file or
22 otherwise present to the court any
23 briefs, pleadings, materials, other
24 documents or argument which contain

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1 AI-hallucinated citations to law, case or
2 legal citations which are fictitious or
3 nonexistent or any uncorroboratable
4 assertions of fact?

5 Did your lawyers tell you
6 that?

7 A. Not that I recall
8 specifically.

9 Q. And I think you would agree
10 with me that you've cited several
11 fictitious articles in your report,
12 right?

13 ATTORNEY MEHRI: Objection.
14 Mischaracterizes his testimony.
15 BY ATTORNEY PISTILLI:

16 Q. They don't exist, right?

17 ATTORNEY MEHRI: Objection.
18 Mischaracterizes his testimony.

19 THE WITNESS: No, I'm not
20 sure. I think all the articles
21 that I use in my citations in the
22 May 16th report do exist, even if
23 there are errors on the citation
24 list itself.

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1 The other one you noticed, I
2 have to look. I have to look at
3 that -- all of those and see what
4 happened there.

5 BY ATTORNEY PISTILLI:

6 Q. Certainly, you've agreed
7 with me that there are several articles
8 cited in your rebuttal report that don't
9 exist by the name and title and journal
10 that you've cited, right?

11 ATTORNEY MEHRI: Objection.

12 THE WITNESS: I think what I
13 said is I have the articles. And
14 when I used the tool for APA
15 formatting, I got back some bad
16 results. I didn't double check.
17 That was a big mistake, obviously.

18 But those articles exist,
19 the ones in the -- in the May 16th
20 report that I went through, like,
21 citation by citation. I need to
22 do it for the other -- for the
23 other report.

24 BY ATTORNEY PISTILLI:

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1 Q. Could you turn to Page 16 of
2 your rebuttal report, Paragraph 57?

3 Do you see where you wrote,
4 Several defense experts have also
5 cherry-picked data to support their
6 arguments while ignoring other data
7 points?

8 Do you see that?

9 A. I do.

10 ATTORNEY MEHRI: Did you say
11 57?

12 ATTORNEY PISTILLI:
13 Paragraph 57.

14 BY ATTORNEY PISTILLI:

15 Q. You previously agreed with
16 me, right, that you yourself didn't
17 review any documents or data produced by
18 any of the six plaintiff school districts
19 in this case, right?

20 ATTORNEY MEHRI: Objection.

21 THE WITNESS: That's -- yes,
22 I did not review any data or
23 documents from the specific school
24 districts.

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1 I did read the rebuttal
2 reports. And their use of data
3 seemed to me to be selective.

4 BY ATTORNEY PISTILLI:

5 Q. But you have no knowledge or
6 understanding of what data actually
7 exists for any of the six bellwether
8 districts, correct?

9 A. Not so much -- like, for
10 example, I know that there are reports on
11 discipline in school districts, there are
12 reports on budgets in school districts,
13 there are reports on staffing in school
14 districts.

15 So if I see that someone
16 chose a particular data source that acts
17 as a counterfactual without context, you
18 know, it raises, for me, questions about
19 selectivity.

20 Q. Well, to say it was
21 cherry-picked you would need to have an
22 understanding that other data is
23 available, correct?

24 ATTORNEY MEHRI: Objection.

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1 THE WITNESS: Well, it's
2 based on the understanding that
3 other data is available, data that
4 would also be, like, quantitative
5 reports but also data that would
6 explain, like, the context of any
7 particular data that's being
8 examined.

9 I don't think it requires me
10 to know, like, all the existing
11 data in a particular district to
12 see that there's a selective use
13 in the district-specific rebuttal
14 reports.

15 BY ATTORNEY PISTILLI:

16 Q. Well, in order to know that
17 it's cherry-picked, you would have to
18 understand whether or not it's
19 representative of what actually exists,
20 correct?

21 ATTORNEY MEHRI: Objection.
22 And asked and answered.

23 THE WITNESS: You know, I
24 don't know what you mean by

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1 "representative." I don't think
2 so.

3 BY ATTORNEY PISTILLI:

4 Q. What do you mean when you
5 say something is cherry-picked?

6 A. What I mean is that it seems
7 to me that there's a selectivity about a
8 particular data set in order to try to
9 prove a counterfactual.

10 A. And the selectivity could be
11 excluding other potentially relevant data
12 or, you know, other explanations of what
13 is going on in that data set.

14 Q. So it could be excluding
15 other data.

16 But in order to know whether
17 it actually is, you would have to look at
18 the data itself, right?

19 ATTORNEY MEHRI: Objection.

20 THE WITNESS: I think it
21 suffices to observe that there's a
22 selectivity by reading the report
23 itself and how data is used by
24 that author.

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1 BY ATTORNEY PISTILLI:

2 Q. But sitting here today,
3 you're not aware of any data from any of
4 the six bellwether school districts that
5 contradicts any of the assertions in
6 defendants' experts reports, correct?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: I would agree
9 with that. I think that's a fair
10 statement.

11 BY ATTORNEY PISTILLI:

12 Q. You agree, don't you, that
13 social media alone is not the sole cause
14 of challenges faced by school districts?

15 A. I would agree that there
16 is -- it's not a sole cause. It's not a
17 mono-causal issue, correct.

18 Q. And you also agree that
19 issues like poverty and school violence
20 shape the educational environment and
21 place ongoing demands on schools?

22 A. You named poverty and gun
23 violence? I would agree that poverty and
24 gun violence place demands on schools,

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1 yes.

2 And I would say that -- I
3 think we went over this a little bit
4 earlier, that students' compulsive
5 personal use of social media seems to me
6 of a different quality than those other
7 contextual realities that schools
8 confront when they're executing on their
9 educational mission to educate all
10 students.

11 That poverty has, of course,
12 long existed and creates issues. Those
13 issues are exacerbated by social media
14 issues.

15 I would say gun violence is
16 a little bit different in that although
17 it is very traumatic if it happens, where
18 it happens, and if it happens in a
19 school, extremely traumatic, and that has
20 some ripple effects across school
21 communities.

22 But there's something
23 pervasive in the social media use that is
24 of a different quality.

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1 Q. You didn't do any
2 statistical analysis to determine the
3 extent to which any of these other issues
4 that cause mental health strains on
5 students and can impact the school
6 environment drove any increases in mental
7 health expenditures that any of the
8 districts faced, have you?

9 A. That was a really long
10 question. What -- what are you asking
11 me?

12 Q. You didn't do any work to
13 try to determine the extent to which, in
14 your opinion, social media is driving the
15 increase in mental health expenditures
16 for schools versus all of the other
17 potential factors that could be driving
18 mental health expenditures in schools,
19 did you?

20 A. I didn't do a statistical
21 analysis about the contributive power of
22 different factors. I'm not a
23 statistician.

24 And I didn't think that that

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1 was necessary for the task that I was
2 given.

3 Q. It's always been the
4 responsibility of public schools to
5 address new issues in society as they
6 emerge, right?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: I'm not sure I
9 want to agree with that fully.

10 I think public schools exist
11 as public institutions in our
12 nation's democracy and, therefore,
13 of course, they're affected by
14 emerging issues, various things
15 that happen in school communities,
16 circumstances in which students
17 are living. Yeah.

18 But I think I -- I think I
19 need to be reminded of your
20 question.

21 BY ATTORNEY PISTILLI:

22 Q. Well, in order to serve
23 their core mission of educating students,
24 schools have long had to respond to

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1 changes and developments in society,
2 right?

3 A. Sure, yes.

4 Q. And there have always been
5 obstacles that have made it more
6 difficult for schools to fulfill their
7 mission of teaching students, right?

8 A. There have always been
9 challenges, yes.

10 I think that this particular
11 challenge created by students' personal
12 compulsive use of social media is of a
13 different quality. And also, the source
14 is sort of more identifiable, if you
15 will.

16 So the fact that, of course,
17 it impacts on schools and school
18 districts should not mean that it is an
19 expectation that schools and school
20 districts alone are responsible for
21 addressing and ameliorating the harms,
22 when they themselves have no control over
23 the design of the platforms that's
24 leading to this kind of compulsive use.

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1 Q. But kids have always, from
2 time to time, misbehaved or not paid
3 attention during instructional time,
4 right?

5 A. Issues of behavior
6 management in classes, student
7 disciplinary practices -- like, school's
8 disciplinary practices, that's beyond the
9 opinions of what I'm offering here.

10 But I do acknowledge that
11 many of these problematic interactions
12 have, of course, preceded the use of
13 social media.

14 But it's different now,
15 because social media exacerbates their
16 impact as students engage in ever more
17 attention-seeking behaviors or become
18 preoccupied and anxious about their place
19 in the social fabric of their social
20 media use.

21 It's also created new levels
22 of problems as students' misbehavior
23 might be driven by, triggered by
24 something that happened online, driven by

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1 their fears that come from a fear of
2 overexposure or a fear of missing out or
3 the generalized anxiety of their need for
4 validation.

5 Like, those kinds of things
6 make what may have been for school
7 leaders relatively routine incidents of
8 misbehavior into things that can become
9 much more disruptive or much more
10 widespread, can be much more harmful to
11 individual kids, but overall have the
12 impact on the school environment itself
13 that is a bit destabilizing and means
14 that educational leaders need to be
15 intervening, attending to the issues that
16 are all stemming from social media use.

17 Q. Well, respectfully, sir, my
18 question was a little different and
19 substantially narrower.

20 I'm just asking if you agree
21 that long before there was social media
22 kids sometimes misbehaved or didn't pay
23 attention during instructional time?

24 ATTORNEY MEHRI: Objection.

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1 Asked and answered.

2 THE WITNESS: I recognize
3 that you're asking a narrower
4 question.

5 Yet, this is in the context
6 of an examination of social media
7 and its impact on the school
8 environment. So it's hard for me
9 to answer the narrow question in
10 isolation of the broader questions
11 that are on the table in this
12 discussion.

13 BY ATTORNEY PISTILLI:

14 Q. Are you just willing to tell
15 the jury, one way or the other, whether,
16 in your expert opinion, as a lifetime
17 educator, kids sometimes acted out in
18 class or didn't pay attention before
19 social media existed?

20 A. I think I want to stay
21 within the opinions that I offer.

22 So I would say that a number
23 of issues, of course, preceded social
24 media. That's, like, undeniable. Kids'

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1 misbehavior is one.

2 The concern that I'm
3 bringing and the opinions that I'm
4 offering are about how those kinds of I
5 guess what you would call problems or
6 challenges to the school environment, are
7 affected by a school environment now that
8 is -- where social media use in the
9 student body is so pervasive and
10 unregulated social media use without much
11 guardrails intended to increase
12 engagement, leading to sort of this need
13 for constant validation, knowing what's
14 going on online, so -- on the platforms.

15 So it's like the routine
16 misbehaviors that might have happened in
17 the past, there's a different level of
18 risk, exposure and threat now, I think,
19 that is affecting a school community.

20 Q. It's always been the part of
21 classroom teachers to engage in classroom
22 management, right?

23 A. Yeah, I'm not here to talk
24 much about effective instruction.

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1 But certainly teachers
2 managing the -- their classroom is part
3 of their responsibilities, yes.

4 Q. Can you take a look at
5 Page 13 of your rebuttal report,
6 Paragraph 45?

7 A. Okay.

8 Q. And do you agree that
9 educators in school systems utilize
10 social media in positive and productive
11 ways?

12 A. Yes. And this also gets to
13 the article that you had me review this
14 morning that appeared in the Journal of
15 Leadership and Practice, where you
16 highlighted that superintendents
17 encourage principals to use social media
18 for purposes of communication.

19 And so -- well, ask me your
20 question again, please. I lost track of
21 it.

22 Q. I just asked you if you
23 agree that educators in school systems
24 utilize social media in positive and

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1 productive ways?

2 A. Educators and leaders in
3 schools and school districts can use
4 social media in positive and productive
5 ways, yes.

6 Q. It can use it to do things
7 like share information with families?

8 A. They can use social media
9 to -- as a communication vehicle,
10 primarily to share information with
11 families or with the wider community as
12 well.

13 Q. They can use social media to
14 celebrate students' successes?

15 A. They can use social media to
16 highlight student accomplishment or
17 celebrate student successes, yes.

18 Q. And they can use social
19 media to promote school events?

20 A. Educators and district
21 leaders and school leaders can use social
22 media to promote school events, yes.

23 Q. And they can use social
24 media to foster professional learning

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1 communities?

2 A. Educators and educational
3 leaders can use social media to foster
4 professional learning communities, yes.

5 Q. Are you aware that many of
6 the districts at issue in this litigation
7 use social media in these ways?

8 A. I don't have any direct
9 knowledge of that. But it doesn't
10 surprise me, because it's a widespread
11 practice in educational leadership.

12 Q. So it wouldn't surprise you,
13 for instance, to learn that the Irvington
14 Public School system has and uses a
15 YouTube channel?

16 ATTORNEY MEHRI: Objection.

17 THE WITNESS: That would not
18 surprise me to learn that the
19 Irvington School District has a
20 YouTube channel that they use
21 to -- for purposes of
22 communication with their school
23 communities.

24 BY ATTORNEY PISTILLI:

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1 Q. And are you aware that some
2 of the plaintiff school district
3 bellwethers in this litigation also
4 integrate social media into their
5 classroom instruction?

6 ATTORNEY MEHRI: Objection.

7 THE WITNESS: How do you
8 mean?

9 ATTORNEY PISTILLI: Let's
10 take a look at Tab 42.

11 - - -

12 (Whereupon, Exhibit
13 Osborne-13, No Bates, Plaintiffs
14 Fact Sheet, was marked for
15 identification.)

16 - - -

17 BY ATTORNEY PISTILLI:

18 Q. So this is the plaintiff
19 fact sheet for the Board of Education of
20 Harford County.

21 Do you see that?

22 A. Yeah. Do --

23 Q. We're getting you the paper
24 copy.

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1 A. Thank you.

2 Q. And I take it you didn't
3 review any of the plaintiff fact sheets
4 for any of the specific bellwether
5 plaintiffs in these cases, right?

6 A. No, not that I recall. To
7 the best of my recollection, I'm seeing
8 this for the first time.

9 Q. Sure. If you could just
10 take a quick look at Page 23.

11 A. Sure. Let me just get an
12 idea of what this is.

13 Okay. Thanks. And this is
14 for?

15 Q. Harford.

16 A. Harford.

17 And you want me to look at
18 what part?

19 Q. Sure. Page 23.

20 A. Thank you.

21 Q. Do you see there where
22 Harford was asked, Has your district
23 incorporated the use of any of
24 defendants' platforms in its curriculum

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1 since the 2017-2018 school year?

2 A. Let's see.

3 Yes. I see that.

4 Q. And you see that Harford
5 answered yes to that question?

6 A. Yeah, I do.

7 Q. And they indicated that they
8 use YouTube videos in the science
9 curriculum, right?

10 A. Yeah. They do have science
11 here, YouTube videos in the curriculum.

12 Q. And they also use YouTube
13 channels and posts in connection with the
14 mathematics curriculum, right?

15 A. Yeah, I see that here. They
16 have a -- they have YouTube -- YouTube,
17 Math Fail. I don't know what that is.

18 Okay.

19 Q. And they also use Twitter
20 and Facebook, it says?

21 A. I see that.

22 ATTORNEY PISTILLI: Let's
23 take a look at Tab 55.

24 Can I see that for one

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1 second?

2 THE WITNESS: This one?

3 ATTORNEY PISTILLI: I'm just
4 not certain that I noted for the
5 record that this has been marked
6 as Exhibit-13. Thank you.

7 - - -

8 (Whereupon, Exhibit
9 Osborne-14, No Bates, Dekalb
10 County, Social Media Guidelines
11 for Students, was marked for
12 identification.)

13 - - -

14 BY ATTORNEY PISTILLI:

15 Q. I'll give you now a document
16 that's been marked as Exhibit-14.

17 A. Thank you.

18 Q. I take it, since you didn't
19 look at any of the plaintiff districts'
20 documents, that this is not something
21 you've seen before?

22 A. That's right. I think I'm
23 seeing this for the first time.

24 Q. You're generally familiar

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1 with the idea that some schools may issue
2 guidelines on various topics?

3 A. Sure. Of course.

4 Q. And this appears to you to
5 be a DeKalb County School District social
6 media guidelines for students?

7 A. It does.

8 Q. And if you could take a look
9 at Page 6.

10 A. Just give me one second to
11 get the full context here.

12 Okay. Thank you. Got it.

13 Q. And do you see where DeKalb
14 tells its students that social media is a
15 powerful tool when used correctly?

16 A. No. Sorry. Where is that?

17 Q. The bottom of Page 6.

18 A. Bottom of 6.

19 A. Okay. It's a pretty
20 powerful tool whether used correctly or
21 incorrectly, I guess.

22 Q. And DeKalb also told its
23 students that social media is a way to
24 have fun, right?

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1 A. Oh, the preceding sentence,
2 right? You can have fun by
3 participating, blah, blah, blah. That?

4 Q. Yes.

5 A. Yes, I see that.

6 Q. Yeah. You can have fun by
7 participating in trending topics, right?

8 A. Yes, I see that.

9 Q. You can use social media to
10 have fun by participating in dance
11 challenges, right?

12 A. I see that here, yes.

13 Q. You can have fun by
14 commenting during your favorite
15 television show, right?

16 A. That's what it says here.

17 Q. Yep. So these guidelines
18 are highlighting some positive aspects of
19 social media, right?

20 A. They are.

21 Q. And they're not saying
22 students shouldn't use social media at
23 all, right?

24 ATTORNEY MEHRI: Objection.

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1 THE WITNESS: Correct.

2 That's not what they're saying
3 here.

4 BY ATTORNEY PISTILLI:

5 Q. In fact, they're encouraging
6 them to use social media, right?

7 ATTORNEY MEHRI: Objection.

8 THE WITNESS: I don't know
9 if I would characterize this as
10 encouragement or just an
11 acknowledgment that it's going to
12 happen, so they're trying to offer
13 some guidelines in a way that will
14 be well received by students and
15 families.

16 BY ATTORNEY PISTILLI:

17 Q. Well, and they're
18 highlighting positive uses of social
19 media, right?

20 ATTORNEY MEHRI: Objection.

21 THE WITNESS: Yeah, let's
22 see.

23 If I look at what they're
24 doing, they're -- they're

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1 highlighting a number of things.
2 The importance of being
3 respectful. They're saying that
4 there should be some
5 responsibility for posts, asking
6 for permission.

7 They are also highlighting
8 some dangers of cyberbullying.
9 Its potential to be disruptive.
10 That students have no right to
11 privacy. That poor behavior and
12 inappropriate digital
13 communication may violate the
14 student code of conduct. The
15 importance of protecting identity
16 and privacy, following rules,
17 reporting problems.

18 There's just a little bit at
19 the end here about what you
20 highlighted, having fun and it
21 being a powerful tool.

22 It's definitely a powerful
23 tool.

24 BY ATTORNEY PISTILLI:

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1 Q. And they're -- they're
2 highlighting the fact that social media
3 can be used to connect different people
4 and views from across the world, right?

5 ATTORNEY MEHRI: Objection.
6 Mischaracterizing his testimony
7 about the full document.

8 THE WITNESS: Well, sure,
9 they are.

10 Is there a question?

11 BY ATTORNEY PISTILLI:

12 Q. Yes.

13 And they are also
14 highlighting that social media can be
15 used to share with family or friends or
16 to get to know about your favorite brands
17 or celebrities, right?

18 A. Sorry. I had -- I had
19 pulled away.

20 Oh, yeah. That's also in
21 that minor paragraph at the end of the
22 document, yeah.

23 Q. So they are -- they are both
24 promoting the responsible use of social

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1 media but also highlighting the ways that
2 it can be used responsibly and in a
3 positive way?

4 A. I don't know that I would
5 characterize it as a promo. But sure.

6 They're trying to offer some
7 guidance to enable students to have
8 better control of their social media use,
9 be respectful, and avoid some of the
10 obvious negative things like
11 cyberbullying and posting somebody
12 without their permission, violating the
13 code of conduct, issues like account
14 impersonation, bullying, criminal
15 activity, harassment, hate speech,
16 inappropriate photos, spam, violence.

17 They're -- they're talking
18 about a number of things here in an
19 attempt to provide some guidance to their
20 students about following rules, I guess
21 because they know that students are going
22 to be on social media.

23 Q. And they are attempting to
24 provide a balanced view, right?

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1 ATTORNEY MEHRI: Objection.

2 I'd caution the witness to
3 speculate about things that you
4 don't have knowledge about.

5 THE WITNESS: Yeah. Thanks.

6 I was just going to say, I
7 don't know what they're intending
8 to do here. And sitting here, I'm
9 not sure that I would -- I don't
10 know that they're attempting to
11 provide a balanced view or that
12 this is a balanced view.

13 BY ATTORNEY PISTILLI:

14 Q. Well, do you agree that it's
15 important to assess both the -- any
16 potential benefits or positive impacts of
17 social media alongside any potential
18 negative effects?

19 A. Sure. I think that -- I
20 think that that's important. And I think
21 that I've done that in the course of
22 developing my opinions.

23 So you've pointed to two
24 different categories of beneficial social

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1 media use. One is from Page 13,
2 Paragraph 45, of my reply to the 13
3 rebuttal reports.

4 And there I describe how the
5 rebuttals indicate that schools -- and
6 you asked me a whole line of questions
7 and you also showed me a document about a
8 school -- I think it was a school -- a
9 school district -- this is the fact
10 sheet, if I remember -- yeah -- Harford
11 fact sheet, about educators using some
12 social media platforms integrated into
13 part of their curriculum.

14 So this one I think I
15 address pretty clearly, at least in the
16 rebuttal report. And I think is -- is an
17 important concept, that educators' and
18 school leaders' use of social media in a
19 way that is curated, intentional,
20 purposeful is an entirely different usage
21 of the platforms than students who are
22 using it in an unregulated sort of
23 unsupervised, very frequent basis in ways
24 that expose them to -- expose them and

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1 make them vulnerable to compulsive use
2 and to some of the design features that
3 create prolonged engagement and capture
4 students' attention as a product in and
5 of itself.

6 Those two uses are very
7 separate and distinct, in my mind, and in
8 my reports.

9 Q. Well, just --

10 A. Educators are going to use
11 educational materials, they're available
12 from wherever they come, if they think
13 it's going to improve the education of
14 their students.

15 The example in the Harford
16 fact sheet is YouTube videos, for
17 example. A teacher who shows a YouTube
18 video that is about something educational
19 in their classroom, that -- I think it
20 would be fair to say that's, like --
21 that's a beneficial use. Like, that's
22 a -- that's not a bad thing. That's a
23 positive thing.

24 And school district leaders

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1 that -- you know, I think you made the
2 example of, like, using Facebook to -- to
3 promote a student event or something like
4 that, that's -- that's a positive use.

5 Like, that's adults using
6 the platforms in a very positive way to
7 communicate with their school community
8 about goings on in the school or even to
9 use some educational materials as part of
10 their -- of their curriculum and
11 instruction.

12 I think that, you know,
13 schools and school -- educators who are
14 doing that are doing it, you know,
15 because it's useful and, in part, because
16 social media has become so ubiquitous.

17 And school leaders and
18 school district leaders are doing it
19 because that's the way that they can,
20 like, reach their parents. Because a lot
21 of people are on social media. So it's,
22 like, an effective way of conducting
23 public relations.

24 The other -- and that --

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1 that whole category of use, I never --
2 like, I don't think that that's
3 necessarily problematic. I think that it
4 could have beneficial uses in those -- in
5 those circumstances.

6 What -- the important
7 distinction for me is that those are
8 adults using tools at their disposal in
9 ways that are going to further the
10 educational mission of the stool or
11 school district.

12 The other category of
13 positive use you said is, like, well,
14 kids getting validation or kids having
15 fun. You -- you quoted here from DeKalb,
16 they can have fun by participating in
17 trending topics, dance challenges and
18 commenting on their favorite television
19 show.

20 Yeah, I think that there can
21 be some positive aspects to a sense of
22 belonging, to finding common interests,
23 to validation and connection.

24 The difficulty here is that

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1 those avenues are then a gateway to the
2 exposure to some of the more manipulative
3 aspects of the social media platforms,
4 and it exposes young people to risks
5 of -- of compulsive use and of being
6 compelled by the way that the platforms
7 work to uses that then create mental
8 health problems or fragment their
9 attention or interrupt their sleep or
10 just create, like, a generalized kind of
11 anxiety, needing more and more of that
12 external validation.

13 So you're asking about
14 positive uses. And just to sum up -- I
15 know it's been a long answer --

16 Q. It's been over six minutes,
17 sir.

18 A. -- but one is the adult use
19 when intentional, sure. Students being
20 validated, finding common interests,
21 maybe a sense of belonging, maybe fun and
22 enjoyment, yes. But it comes with great
23 risks.

24 And in the end, the

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1 cumulative effects of the harms far
2 outweigh the positive benefits that are
3 described in those couple of sentences.

4 Q. And in your opening report,
5 sir, when you formed your opinions in
6 this case, you didn't take into account
7 or address in any way those positive
8 uses, correct?

9 ATTORNEY MEHRI: Objection.

10 BY ATTORNEY PISTILLI:

11 Q. And if you could please
12 answer my question.

13 A. I think -- I think I did.
14 I beg your pardon. It must
15 be in the -- in the reply to the
16 rebuttal.

17 I thought I had put
18 something in here about adult use for
19 communication purposes and the like not
20 being conflated with students' compulsive
21 personal use of the social media
22 platforms.

23 I thought I had that in
24 here. But it might -- it might be in

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1 the -- in the reply.

2 Q. Now that you've had a chance
3 to review it, you agree with me that you
4 don't address at all positive uses of
5 social media by either students or school
6 districts or educators in your opening
7 report?

8 ATTORNEY MEHRI: Objection.

9 THE WITNESS: I think I
10 would agree with you.

11 I'm not going to read every
12 word of the report. I'm sort of
13 skimming paragraph by paragraph to
14 see if I address that adult use
15 aspect.

16 Because I recall doing it,
17 but I'm just not finding it in a
18 really quick reread here.

19 And the -- the -- you know,
20 the -- it's not that I didn't
21 consider it or it's not mentioned
22 in the literature. It's just
23 that, to me, the -- the harms so
24 outweigh those benefits,

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1 especially when it comes to the
2 way that students are using it and
3 how they're set up to compel
4 compulsive use.

5 BY ATTORNEY PISTILLI:

6 Q. But even though it's in the
7 literature and you acknowledge that
8 student use of social media can have some
9 benefits, you chose not to acknowledge
10 that at all in offering your affirmative
11 opinions in your opening report, correct?

12 A. Yeah, again, I'd need to
13 read every bit. But I think that that's
14 true.

15 And it basically reflects my
16 opinion that there -- yes, I would
17 acknowledge those benefits. But they're
18 not really noteworthy in that the issue
19 here is that if students are going on for
20 fun, for entertainment, for a sense of
21 validation, to find common interests, to
22 be, like, entertained by the dance
23 videos, those might have, like, some kind
24 of potential or hypothetical benefit to

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1 the user.

2 They expose the students to
3 the harms that I think are pervasive in
4 the platforms, in -- in Facebook,
5 Instagram, Snapchat, TikTok and YouTube.

6 So you're getting students
7 who are still in an age of development,
8 where they need that social connection or
9 they're looking for that sense of
10 validation, and they might go on the
11 platforms for, like, some reason that you
12 would say is beneficial or is positive.
13 Then they're on the platforms. And the
14 platforms are designed, then, to try to
15 capture their attention and prolong their
16 engagement.

17 So even the benefits,
18 hypothetical or real, come with a risk to
19 students, to children and adolescents.
20 And that risk is that, then, they're
21 going to be compelled to use social media
22 compulsively or compare themselves to
23 others on social media or develop
24 negative self-concept or the fear of

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1 missing out or end up using it when they
2 should be sleeping or have their sort of
3 attention split so much and so frequently
4 that it's hard for them to persist in
5 prolonged tasks related to their
6 learning.

7 That's what I think is
8 happening and why I probably gave short
9 thrift to what you would call, you know,
10 the potential or hypothetical benefits of
11 social media use by children and
12 adolescents.

13 ATTORNEY PISTILLI: Why
14 don't we take a break?

15 ATTORNEY MEHRI: Yeah, we've
16 been going for a while. Yeah,
17 okay.

18 VIDEO TECHNICIAN: The time
19 is 5:40 p.m. This is the end of
20 Media 6. And we are going off the
21 record.

22 - - -

23 (Whereupon, a brief recess
24 was taken.)

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1 - - -

2 VIDEO TECHNICIAN: The time
3 is 5:57 p.m. This is the
4 beginning of Media 7, and we are
5 going back on the record.

6 ATTORNEY PISTILLI: Chris
7 Pistilli, counsel for Meta just
8 wanted to say that I have no
9 further questions at this time and
10 I'm going to be passing the
11 witness to my co-counsel and also
12 going to be holding the deposition
13 open pending production of the
14 articles that we discussed earlier
15 today.

16 - - -

17 EXAMINATION

18 - - -

19 BY ATTORNEY RICE:

20 Q. Good afternoon, Mr. Osborne.
21 My name is Rowley Rice. I'm counsel for
22 Snap. I just have a few questions for
23 you.

24 In connection with providing

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1 your opinions in this case, did you do
2 anything to learn how the Snapchat app
3 works?

4 A. No.

5 Q. And so I take it, then,
6 you're not familiar with streaks on
7 Snapchat, correct?

8 A. There -- it was referenced
9 in one of the articles that I read. So
10 my understanding is streak is, like, a
11 reward system, I guess, where two people
12 who are communicating with each other on
13 Snapchat would try to do it, I think
14 every day.

15 The idea is like -- the
16 streak is, like, the daily sending of a
17 message. And the idea is to keep up the
18 streak by doing it every day without a
19 break in a day communicating.

20 I think that's what the
21 article described.

22 Q. And do you understand that
23 for a user to maintain a streak on
24 Snapchat, it only takes a few seconds for

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1 them to send a picture?

2 A. Oh, I -- I don't -- I don't
3 know what it takes, yeah.

4 Q. And are you aware that there
5 are other apps that use streaks?

6 A. No, I guess I'm not. I
7 think when I read that it was specific to
8 Snapchat.

9 But it doesn't surprise me.
10 I'm not an expert in the features.

11 Q. And you're not familiar with
12 the use of lenses on Snapchat, correct?

13 A. Lenses?

14 Q. Lenses.

15 A. I don't know what that is.

16 Q. And are you familiar with
17 how stories work on Snapchat?

18 A. So this was also described,
19 because I think -- I don't want to
20 speculate.

21 I think stories is a way
22 that a user will have multiple posts that
23 they can then invite other people to see,
24 I think. I don't know.

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1 Q. And are you -- are you aware
2 if, when a user posts a public story on
3 Snapchat, if the number of times a story
4 has been viewed is public?

5 A. The number of times the
6 story has been viewed is public?

7 Q. Are you aware, one way of
8 the other, whether that's true?

9 A. No, I don't know.

10 Q. And are you familiar with
11 any data regarding how much time Snapchat
12 users, on average, spend using different
13 features of the Snapchat app?

14 A. I'm not -- I don't have that
15 information, no.

16 Q. For instance, so you're not
17 aware, then, how much time Snapchat users
18 spend messaging with friends versus
19 engaging with other aspects of the
20 platform, correct?

21 A. That's right. I don't have
22 that information.

23 Q. And you did not review any
24 internal Snap documents in formulating

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1 your opinions, correct?

2 A. No, not to my knowledge.

3 Q. And you did not review any
4 deposition testimony of Snap employees,
5 correct?

6 A. I don't think so, no.

7 Q. Are you a parent,
8 Mr. Osborne?

9 A. Yes.

10 Q. What age are your children?

11 ATTORNEY MEHRI: Let me just
12 instruct the witness, to the
13 extent they get into the personal
14 use of your kids of the platforms,
15 only testify to the extent you're
16 comfortable.

17 THE WITNESS: Okay. Thank
18 you.

19 They are 23 and 20.

20 BY ATTORNEY RICE:

21 Q. Do you know if they have
22 Snapchat?

23 A. Yeah, I don't really want to
24 talk about my kids.

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1 Q. So you're unwilling to
2 answer, one way or the other, whether
3 your children have Snapchat accounts?

4 A. Well, they're, like, young
5 adults. I don't know what they have.

6 Q. Do you know if they had
7 Snapchat accounts when they were
8 teenagers?

9 A. Yeah. I'm aware that they
10 had Snapchat accounts when they were
11 teenagers.

12 Q. Do you think their use of
13 Snapchat as teenagers harmed their mental
14 health?

15 A. I don't know.

16 Q. To your knowledge, have your
17 children ever sought diagnosis or
18 treatment from a medical professional for
19 their use of Snapchat?

20 ATTORNEY MEHRI: And, again,
21 I'm going to instruct the witness
22 that you only testify to the
23 extent that you're comfortable
24 about your kids.

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1 THE WITNESS: You're asking
2 me if my kids sought -- ask me the
3 question again, please.

4 BY ATTORNEY RICE:

5 Q. Yes. To your knowledge,
6 have your children ever sought medical
7 treatment relating to their use of
8 Snapchat?

9 A. To my knowledge, they have
10 not sought medical assistance related to
11 their use of Snapchat, no.

12 Q. When a user opens Snapchat
13 on their phone, are you aware what part
14 of the app they initially see?

15 A. No.

16 Q. So is it fair to say, then,
17 before today you were unaware that when a
18 user opens the Snapchat app, it opens to
19 a camera?

20 A. I -- I didn't know that, no.

21 Q. Earlier we discussed your
22 work with superintendents and principals.

23 Have you ever recommended to
24 any of the superintendents or principals

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1 you work with that they bring a lawsuit
2 against the defendants in this case?

3 A. No, I have not.

4 Q. Do you believe social media
5 should be banned, Mr. Osborne?

6 A. I don't have an opinion
7 about that.

8 ATTORNEY RICE: No further
9 questions.

10 ATTORNEY LEHMAN: Let's go
11 off the record while we --

12 VIDEO TECHNICIAN: The time
13 is 6:04 p.m. We are going off the
14 record.

15 - - -

16 (Whereupon, a brief recess
17 was taken.)

18 - - -

19 VIDEO TECHNICIAN: The time
20 is 6:05 p.m. We are going back on
21 the record.

22 - - -

23 EXAMINATION

24 - - -

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1 BY ATTORNEY LEHMAN:

2 Q. Good evening. I want to
3 make sure -- you've been testifying for a
4 number of hours today.

5 I want to make sure that you
6 are still able to give full and complete
7 answers to questions at this point?

8 A. Sure. Thank you for
9 checking.

10 Q. Okay. We haven't met. My
11 name is Katie Lehman. Although we did
12 walk in together at the same time this
13 morning. And I'm here on behalf of the
14 TikTok defendants. So I have some --
15 some questions for you.

16 Are you able to estimate how
17 much time you have spent watching videos
18 from TikTok?

19 A. You mean over the course of
20 my life?

21 Q. Yes, sir.

22 A. No, I couldn't estimate
23 that. But I would say it's not very
24 much.

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1 Q. Less than five hours?

2 A. Sounds about right. Maybe
3 five hours total time.

4 Q. And I believe you said you
5 do not have a TikTok account, correct?

6 A. Correct.

7 Q. All right. And so what have
8 been the circumstances for those
9 occasions when you have seen TikTok
10 videos?

11 A. Yeah, someone will send them
12 to me. Usually, like, my wife finds
13 something that she thinks is funny.

14 So she'll send it to me in a
15 text. I'll open it. It will always ask
16 me if I want to, like, open an app or
17 start an app. I just put no.

18 I think the other link is,
19 like, view in browser or something like
20 that. So I click that and that enables
21 me to see the video --

22 Q. Okay.

23 A. -- without having an
24 account.

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1 Q. And so on those occasions,
2 you watch the one video that your wife or
3 someone else has sent you and that's sort
4 of a discrete experience that you have?

5 A. Yeah, pretty much.

6 Q. Have you --

7 A. Yeah.

8 Q. When you say "pretty much,"
9 is there more to that experience?

10 A. I think I just -- I think
11 that once it plays, then another one will
12 play.

13 Q. Are you sure about that?

14 A. I'm not sure about that. So
15 let me not speculate.

16 I think I just watch the one
17 video, and I'm done, but.

18 Q. Okay. Have you ever
19 actually been with someone and gone on
20 the TikTok app or platform directly with
21 someone who is an account holder?

22 A. You mean someone who, like,
23 has their phone and they say, hey, look
24 at this --

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1 Q. Exactly. Something like
2 that.

3 A. -- this is on TikTok?
4 Yes.

5 Q. So at any time have you ever
6 watched more than one or maybe two videos
7 in a row on TikTok?

8 A. Oh, I don't recall. Maybe.

9 Q. You mentioned that you serve
10 as an executive coach?

11 A. Yes.

12 Q. Okay. Have you ever
13 recommended to one of your executive
14 coaching clients that they should not use
15 TikTok?

16 A. I've never recommended that,
17 no.

18 Q. Have you ever recommended to
19 one of your executive coaching clients
20 that they not use any social media
21 platform?

22 A. No, I wouldn't -- that
23 wouldn't be my role and not something I
24 would ever recommend, no.

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1 Q. Have you ever advised one of
2 the school districts that you're working
3 with that they should not use TikTok?

4 A. No, I've never -- I've never
5 advised that to a school or school
6 district, no.

7 Q. Have you ever advised one of
8 the school districts that you're working
9 with that they should not use any social
10 media platform?

11 A. No, I've never -- I've never
12 made that recommendation.

13 Q. Did you review any TikTok
14 company documents in forming your
15 opinions?

16 A. I don't think so. Not to my
17 knowledge.

18 Q. Did you review any internal
19 company documents from any social media
20 company?

21 A. I don't think so. Only,
22 maybe, insofar as somebody referenced it
23 in another report.

24 But I don't think I accessed

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1 any of those documents, no.

2 Q. Did you review the
3 deposition of any TikTok employee?

4 A. No.

5 Q. Did you review the
6 deposition of any employee of any social
7 media company?

8 A. I don't think so.

9 Q. Have you performed any
10 analysis that looked not at social media
11 generally, but specifically at TikTok?

12 A. No, I have not performed any
13 analysis like that.

14 Q. Are you offering any
15 opinions that are unique to TikTok as
16 opposed to social media generally?

17 ATTORNEY MEHRI: Objection.
18 Go ahead.

19 THE WITNESS: I'm not, no.

20 BY ATTORNEY LEHMAN:

21 Q. Have you ever reviewed
22 TikTok's user agreement?

23 A. No, I don't think so.

24 Q. Do you know what the default

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1 settings are on TikTok accounts for users
2 who are under 18?

3 A. I don't.

4 Q. Do you know what limits are
5 placed on accounts for TikTok users who
6 are under 18?

7 A. I don't.

8 Q. Do you know what features
9 are available to TikTok users who are
10 under 18?

11 A. No, I don't.

12 Q. Did you attempt to determine
13 what percentage of the impacts of social
14 media that you have discussed are
15 attributable specifically to TikTok?

16 A. No, I did not attempt to do
17 that.

18 Q. Have you attempted to
19 determine what percentage of the impacts
20 of social media that you have discussed
21 are attributable to any specific social
22 media platform?

23 A. No, I didn't make an
24 analysis like that. I didn't think it

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1 was necessary to my task.

2 Q. Can you say, to a reasonable
3 degree of scientific certainty, that the
4 impacts of social media would be
5 different if TikTok did not exist?

6 A. Ask me that question again.

7 Q. Of course.

8 Can you say, to a reasonable
9 degree of scientific certainty, that the
10 impacts of social media would be
11 different if TikTok did not exist?

12 A. No, I don't think I could.

13 I don't know what you mean
14 by "scientific certainty." But I'm not a
15 data scientist, so I'm pretty sure the
16 answer is no.

17 Q. Okay. Well, so, then, let
18 me -- let me ask a better question.

19 Based on your area of
20 expertise and the scope of your
21 testimony, could you say with any
22 certainty that the impacts of social
23 media would be different if TikTok did
24 not exist?

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1 A. I can't make that claim, no.

2 Q. Okay. And would your answer
3 be the same if I asked you about any of
4 the other individual platforms who are
5 named as defendants in this litigation?

6 A. I think my answer would be
7 the same.

8 Q. Okay. Outside of this
9 litigation, have you ever before reviewed
10 an order issued by a trial court?

11 A. I don't -- I don't know. I
12 was involved in that one in -- in New
13 York, and I don't know if that's
14 characterized as a trial court. And I
15 don't recall what orders I might have
16 reviewed.

17 So I think the answer is no.
18 But I did testify in that one case, so
19 maybe.

20 Q. Okay. Well, so, then, let
21 me -- let me ask you a follow-up
22 question.

23 Outside of this litigation,
24 have you ever reviewed a motion or a

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1 brief that a party submitted to a court
2 in litigation?

3 A. Sure. Probably. I teach a
4 class in school law and ethics. So I
5 suppose as part of the materials I would
6 have reviewed motions like that, as part
7 of cases.

8 But nothing specific that I
9 recall.

10 Q. Have you ever taught
11 anything about social media in the class
12 that you teach about school law and
13 ethics?

14 A. No, I have not.

15 Q. Now, you have in your
16 materials considered list several news
17 articles about TikTok challenges about
18 fires in Chromebooks.

19 A. Yeah.

20 Q. And also a single article
21 about students who were creating fake
22 teacher accounts.

23 A. Right.

24 Q. Other than those -- and I

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1 think it's approximately five articles on
2 those two topics -- does your materials
3 considered list include any other article
4 that is specific to TikTok?

5 A. I don't think so. I don't
6 think it does.

7 And those were just meant to
8 be illustrative examples.

9 Q. And just so we're clear, the
10 challenge that was referenced in the
11 articles on your materials considered
12 list, that was about students putting
13 something metal in a USB port on their
14 Chromebook so it might catch fire?

15 A. That's right.

16 Q. Okay. And that was just
17 something that was posted by different
18 people who were on the TikTok platform?

19 A. That caught -- that --
20 something -- sure, I guess it was, yeah.
21 Yeah.

22 ATTORNEY MEHRI: I would
23 just ask you not to speculate when
24 you're answering questions.

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1 THE WITNESS: Yeah. Your
2 question is?

3 BY ATTORNEY LEHMAN:

4 Q. My question is, what -- the
5 sort of backstory on those articles was
6 that a number of people on TikTok posted
7 videos encouraging other students to put
8 something metal in the USB port in their
9 Chromebook to see what would happen,
10 correct?

11 A. Yeah. My -- my use of it is
12 an illustrative example of sort of the
13 extent of attention-seeking behaviors
14 that can result as a -- as a result from
15 the students' attention-seeking behaviors
16 related to their social media use.

17 Q. Okay. And then the other
18 article that we referenced, and it was a
19 single article, it was a New York Times
20 article about some middle school students
21 who created accounts pretending to be
22 their teachers, correct?

23 A. Uh-huh. That's right.

24 And that I -- my intention

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1 of using that was to sort of show that
2 school communities, even when not
3 directly affected by some particular
4 thing, there is this sort of generalized
5 anxiety that happens that can even
6 include staff. Because now staff are
7 also vulnerable to things that might
8 happen on social media.

9 Q. And in that circumstance,
10 the staff were being impacted by the
11 accounts that were created and the things
12 that were said in posts by students at
13 their own school, correct?

14 A. They were being affected by
15 a lot of things. That's -- that's
16 certainly one of them.

17 But I think the ability of
18 students to create accounts that were
19 impersonating their teachers was, like,
20 one thing that caught my attention in
21 that.

22 Another was the -- the
23 way -- there's a -- there's a spread and
24 a permanence to the kind of messaging

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1 that was going on that caught my
2 attention and I thought was -- was
3 illustrative of some of the problems of
4 the attention-seeking incentives that are
5 baked into social -- students' use of
6 social media platforms.

7 ATTORNEY LEHMAN: Those are
8 all the questions that I have at
9 this time. But I would join in
10 the request to keep the deposition
11 open pending the production of
12 additional articles.

13 That will be off the record.

14 ATTORNEY MEHRI: Any other
15 defense counsel? Okay. More
16 defendants. We have to pass the
17 baton.

18 ATTORNEY WHITELEY: You can
19 drop us from the case whenever you
20 want.

21 ATTORNEY MEHRI: Oh, that's
22 not happening. If they run out of
23 time, I'm just asking the
24 videographer keep us --

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1 ATTORNEY WHITELEY: How much
2 time?

3 VIDEO TECHNICIAN: Right
4 now, from this segment, it's about
5 17, 18 minutes of the 33 we had
6 left.

7 ATTORNEY WHITELEY: We can
8 go back on the record.

9 VIDEO TECHNICIAN: We were
10 on. We didn't go off.

11 ATTORNEY WHITELEY: That's
12 fine.

13 - - -

14 EXAMINATION

15 - - -

16 BY ATTORNEY WHITELEY:

17 Q. Hello, Dr. Osborne. My name
18 is Daniel Whiteley. I represent the
19 Google and YouTube defendants. And I
20 just have a few more questions for you,
21 okay?

22 A. Sure.

23 Q. You earlier talked about
24 your children and whether or not they had

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1 Snapchat accounts.

2 My question is, do you know
3 if your children had YouTube accounts
4 when they were under the age of 18?

5 ATTORNEY MEHRI: Again, I'll
6 instruct you to answer these kind
7 of questions to the extent you're
8 comfortable.

9 THE WITNESS: Sure. Thank
10 you.

11 I don't know.

12 BY ATTORNEY WHITELEY:

13 Q. Okay. Do you know if they
14 used YouTube, even if they did not have a
15 YouTube account, before they were 18?

16 A. I don't know.

17 Q. Do you know if your children
18 have ever used YouTube?

19 A. Do I know for sure that
20 they've used YouTube? Like, it's hard
21 for me to imagine that they hadn't, but I
22 guess that's speculation.

23 I don't recall an instance
24 where I saw them, like, watching YouTube.

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1 But -- yeah, but -- yeah,
2 that's my answer.

3 Q. Have you ever instructed
4 your children not to use YouTube?

5 A. I've never instructed my
6 children not to use YouTube, no.

7 Q. And in your reports and
8 today, if I'm getting this right, you
9 talked about identifying patterns, right?

10 A. Uh-huh, yes.

11 Q. Is identifying patterns a
12 recognized methodology in your field?

13 A. I -- I would think that it
14 is, yes, it is -- it is an identifiable
15 methodology to the extent that someone
16 who is researching in educational
17 leadership has a research question that's
18 answerable through a methodology that
19 says, okay, identify patterns.

20 For me, the -- the pattern
21 identification comes from, like, a really
22 large sample size over time of the
23 leaders and aspiring leaders with whom
24 I've interacted.

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1 Q. And can you identify for me
2 any published research in educational
3 leadership that uses pattern
4 identification to identify a nationwide
5 pattern affecting students across the
6 country?

7 A. That's a difficult question
8 to answer, because there's -- like,
9 there's a number of studies about a
10 variety of things that look at nationwide
11 trends. And those nationwide trends are,
12 of course, like, the culmination of
13 pattern identification.

14 So I'm not -- I'm not sure
15 what you're asking or if I'm -- if I'm
16 getting it.

17 I want to be responsive to
18 your question, but I don't think I
19 understand it.

20 Q. Sure. I'll try asking it in
21 a more simple way.

22 Can you point me to any
23 particular article in your field where
24 someone used pattern identification to

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1 identify a pattern that is affecting all
2 students in the K-through-12 cohort in
3 the country?

4 A. As I sit here today, like,
5 nothing in particular comes to mind.
6 There might be a limiting part of your
7 question about "all students."

8 But there are, like, lots of
9 studies that look at trends and patterns
10 across the nation as they affect students
11 and K-12 education. I can't name one
12 that would be helpful. But that -- that
13 is certainly something that exists.

14 Q. And what are the steps in
15 pattern identification?

16 A. So the steps in pattern
17 identification, for me, were a result of
18 those numerous interactions that I've had
19 with school leaders and aspiring school
20 leaders in a variety of schools of
21 different types over a number of years.

22 And the interactions that
23 I've had, the observations that I've
24 made, the circumstances that I've looked

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1 at across these different sites, the
2 patterns emerge that inform my
3 impressions and my opinion that the
4 compulsive use of social media and the
5 accompanying increases in mental health
6 are impacting on school leaders' ability
7 to perform their essential duties.

8 Q. So separate from what you
9 considered your steps for pattern
10 identification to be, what are the
11 recognized or accepted steps in the field
12 for pattern identification?

13 A. You mean, like, where is the
14 educational leadership template, rubric
15 for doing something that would be called
16 pattern identification?

17 Q. Well, let's start there,
18 sure.

19 A. Yeah, I don't know that
20 there -- that there is one.

21 Q. Okay. Is there a certain
22 number of data points that you need for
23 an instance or a phenomenon to rise to
24 the level of a pattern?

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1 A. Oh, that's a very
2 interesting question.

3 I guess it depends what
4 you're considering and for what purpose.

5 Q. So you can't point me to any
6 particular standard or threshold?

7 A. Of -- I'm not a
8 statistician. So I'm aware that there's,
9 like, a concept of statistical
10 significance and that kind of thing.

11 But my methods were
12 qualitative. And what I'm submitting is
13 that my opinions are based on a pretty
14 large sample size that, to me, seems to
15 be sufficient to say, okay, I have
16 expertise in educational leadership and
17 this is what I'm seeing and, therefore,
18 these are the opinions that I'm rendering
19 when asked about social media and its
20 impact on schools and school leaders.

21 I don't know that there's,
22 like, a threshold that would be
23 independently verifiable, as, you know,
24 okay, this is enough of a sample size.

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1 But I would say that, you
2 know, I've spent a lot of time in
3 schools. I've been with a lot of school
4 leaders. It's been over a long period of
5 time. I think that this gives me a
6 pretty good basis from which to say I
7 have a good pulse on what's happening in
8 schools.

9 Q. And on the time point, is
10 there a, you know, specific length of
11 time over which a phenomenon must occur
12 for it to rise to the level of a pattern?

13 A. I think my answer would be,
14 like, really parallel to the other -- to
15 my other answers.

16 I'm not sure. I don't think
17 that there's a template for this. I'm
18 not a statistician.

19 I know that the observations
20 that I made about this particular
21 phenomenon started when I was
22 superintendent in New Rochelle, and they
23 were really salient as I left that school
24 district and started as a professor of

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1 practice in 2018, and have persisted and
2 intensified since.

3 Q. Do you know what percent of
4 teachers in the U.S. use YouTube in the
5 classroom?

6 A. I don't know what percent of
7 teachers in the U.S. use YouTube in the
8 classroom, no.

9 ATTORNEY WHITELEY: No
10 further questions from me. Thank
11 you for your time. And YouTube
12 joins the request to hold open the
13 deposition.

14 ATTORNEY MEHRI: Give us a
15 chance for a short break.

16 ATTORNEY WHITELEY: Sure.
17 We can go off the record.

18 VIDEO TECHNICIAN: The time
19 is 6:25 p.m. We are going off the
20 record.

21 - - -

22 (Whereupon, a brief recess
23 was taken.)

24 - - -

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1 VIDEO TECHNICIAN: The time
2 is 6:41 p.m. We are going back on
3 the record.

4 - - -

5 EXAMINATION

6 - - -

7 BY ATTORNEY MEHRI:

8 Q. Dr. Osborne, I appreciate
9 your perseverance and patience, we've
10 been going for about nine plus hours.

11 You started this morning
12 saying that you've had some citation
13 typos. And I want to give you a chance
14 to go through some of those and have an
15 opportunity to correct that.

16 A. Okay.

17 ATTORNEY MEHRI: This is a
18 document I'm going to mark as
19 Exhibit-15.

20 - - -

21 (Whereupon, Exhibit
22 Osborne-15, No Bates, Frontiers in
23 Psychology; An Affective
24 Neuroscience Framework for the

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1 Molecular Study of Internet
2 Addiction; Montag, was marked for
3 identification.)

4 - - -

5 BY ATTORNEY MEHRI:

6 Q. This is an article called,
7 An Affective Neuroscience Framework for
8 the Molecular Study of Internet
9 Addiction. And the first author on it is
10 Christian Montag, and then there's also
11 Sindermann, Becker and Panksepp.

12 Are you familiar with this?

13 A. Yes.

14 Q. And did you review this and
15 rely on it as part of your reports?

16 A. I did.

17 Q. And was this -- did you
18 intend to cite this in your report?

19 A. Yes.

20 Q. If you can pull up your July
21 30th report and look at Page 9.

22 A. Got it.

23 Q. Do you see a cite to Montag,
24 Sindermann, Becker and Panksepp at the

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1 bottom of Page 9?

2 A. I do.

3 Q. Is Exhibit-15 the article
4 you meant to cite?

5 A. It is.

6 Q. Okay.

7 ATTORNEY MEHRI: I'm going
8 to mark a new document Exhibit-16.

9 - - -

10 (Whereupon, Exhibit
11 Osborne-16, No Bates,
12 Psychological Inquiry; Adolescent
13 Development in the Digital Media
14 Context; Nesi, was marked for
15 identification.)

16 - - -

17 BY ATTORNEY MEHRI:

18 Q. Dr. Osborne, before you is a
19 document entitled -- or an article
20 entitled, Adolescent Development in the
21 Digital Media Context. The first author
22 is Jacquelyn Nesi, N-E-S-I, and then
23 there's Telzer and Prinstein as other
24 authors.

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1 Have you seen this before
2 today?

3 A. Yes.

4 Q. Was this a peer-reviewed
5 article that you reviewed and relied on
6 as part of your report?

7 A. I did.

8 Q. Okay. Can you look at your
9 July 30th report on Page 9?

10 A. Yes.

11 Q. Was this a cite you meant to
12 have at the bottom of Page 9 where it
13 mentions Nesi, Princeton and Telzer?

14 A. Yes, yes.

15 ATTORNEY MEHRI: I'm going
16 to mark Exhibit-17.

17 - - -

18 (Whereupon, Exhibit
19 Osborne-17, No Bates, Journal of
20 Psychoeducational Assessment;
21 Distress Among Adolescents: An
22 Exploration of Mattering, Social
23 Media Addiction, and School
24 Connectedness; Watson, was marked

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1 for identification.)

2 - - -

3 BY ATTORNEY MEHRI:

4 Q. Dr. Osborne, this is a
5 peer-reviewed article entitled, Distress
6 Among Adolescents, an Exploration of
7 Mattering Social Media Addiction and
8 School Connectedness by Joshua Watson as
9 the first author, and then also there's
10 an author named Prosek, P-R-O-S-E-K, and
11 Giordano, G-I-O-R-D-A-N-O.

12 Have you seen this article
13 before today?

14 A. Yes. This was part of my
15 literature review.

16 Q. And was this an article that
17 you -- well, I'll turn your attention to
18 your July 30th report on Page 10.

19 And you'll see near the
20 bottom in the citations there's an
21 article regarding Watson.

22 Do you see that?

23 A. Yes.

24 Q. Was this the article that

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1 you intended to cite --

2 A. It is.

3 Q. -- on the bottom of Page 10?

4 A. It is, yes.

5 Q. Okay.

6 ATTORNEY MEHRI: I'm going
7 to mark Exhibit-18.

8 - - -

9 (Whereupon, Exhibit
10 Osborne-18, No Bates, Clinical
11 Child Psychology; Exploring
12 Adolescents' Perspectives on
13 Social Media and Mental Health and
14 Well-Being - A Qualitative
15 Literature Review; Anjali Popat
16 and Carolyn Tarrant, was marked
17 for identification.)

18 - - -

19 BY ATTORNEY MEHRI:

20 Q. Dr. Osborne, before you is a
21 document -- or a peer-reviewed article
22 entitled, Exploring Adolescents'
23 Perspectives on Social Media and Mental
24 Health and Well-Being: A Qualitative

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1 Literature Review. The first author is
2 Angeli Popat and then the second is --
3 last name is Tarrant, T-A-R-R-A-N-T.

4 Have you seen this before
5 today?

6 A. Yes.

7 Q. Was this one of the articles
8 you relied on and found as part of your
9 literature review?

10 A. It is.

11 Q. And turning your attention
12 to your July 30th report, on Page 10
13 where it mentions Popat and Tarrant, was
14 this the article you intended to cite?

15 A. Yes.

16 Q. Okay.

17 - - -

18 (Whereupon, Exhibit
19 Osborne-19, No Bates, Science
20 Daily; March 22, 2026, Social
21 Media Use Associated With
22 Depression Among U.S. Young
23 Adults, was marked for
24 identification.)

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1 - - -

2 BY ATTORNEY MEHRI:

3 Q. Dr. Osborne, before you is
4 an article in Science Daily, March 22nd,
5 2016.

6 Have you seen this document
7 before?

8 A. Yes.

9 Q. And this is a document you
10 reviewed as part of your literature
11 review?

12 A. Yes.

13 Q. And you cited -- intended to
14 cite in your report?

15 A. I did, yes.

16 Q. I'd ask for you to look at
17 Page 35 on your initial report from
18 May -- May 16th, 2025.

19 A. Okay.

20 Q. Is Exhibit-19 what you
21 intended to cite on Page 35 where there's
22 a reference to Science Daily?

23 A. Yes.

24 Q. Okay.

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1 ATTORNEY MEHRI: I'm going
2 to mark Exhibit-20.

3 - - -

4 (Whereupon, Exhibit
5 Osborne-20, No Bates, Learning
6 Policy Institute - How Money
7 Matters for Schools; Bruce D.
8 Baker, was marked for
9 identification.)

10 - - -

11 BY ATTORNEY MEHRI:

12 Q. Dr. Osborne, there's an
13 article in front of you that's marked
14 Exhibit-20 from The Learning Policy
15 Institute, the author is Bruce D. Baker,
16 How Money Matters for Schools.

17 Do you see that?

18 A. I do.

19 Q. Was it your intent to have
20 this article as the correct cite on the
21 bottom of Page 33 of your initial
22 report --

23 A. Yes.

24 Q. -- where it says Learning

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1 Policy Institute?

2 A. Yes.

3 Q. Okay.

4 ATTORNEY MEHRI: I don't
5 have any further questions.

6 But I will represent to
7 defense counsel that next week
8 we'll send both reports with typos
9 fixed on the citations.

10 ATTORNEY PISTILLI: Sure.
11 We are going to continue to hold
12 the deposition open because,
13 obviously, we've just received
14 these and haven't had a chance to
15 look at them.

16 But with that caveat, I
17 don't know that we have anything
18 further at this time.

19 ATTORNEY MEHRI: We're happy
20 to meet and confer with you in a
21 reasonable way at a reasonable
22 time after you get the typos
23 corrected.

24 Okay. Thank you for your

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1 patience.

2 VIDEO TECHNICIAN: The time
3 is 6:52 p.m. We are going off the
4 record. This concludes today's
5 video testimony.

6 - - -

7 (Whereupon, a brief recess
8 was taken.)

9 - - -

10 VIDEO TECHNICIAN: So Meta
11 was on the record for six hours,
12 26. Snap was on for five. TikTok
13 was on for 11. Google YouTube was
14 on for nine. And plaintiffs were
15 on for ten.

16 ATTORNEY MEHRI: Can you go
17 through those numbers again, if
18 you don't mind?

19 VIDEO TECHNICIAN: Meta was
20 on for six hours 26 minutes.
21 Snapchat was on for five minutes.
22 TikTok was on for eleven minutes.
23 Google YouTube was on for nine
24 minutes. Plaintiffs were on for

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1 ten minutes.

2 ATTORNEY MEHRI: Okay.

3 Anything else? Safe
4 travels, everybody.

5 - - -

6 (Whereupon, the deposition
7 concluded at 6:53 p.m.)

8 - - -

9

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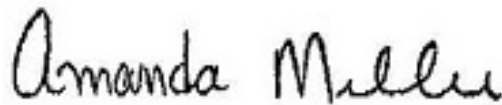
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CERTIFICATE

I HEREBY CERTIFY that the
witness was duly sworn by me and that the
deposition is a true record of the
testimony given by the witness.



Amanda Maslinsky-Miller

Certified Realtime Reporter

Dated: September 7, 2025

(The foregoing certification
of this transcript does not apply to any
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supervision of the certifying reporter.)

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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the
foregoing pages, 1 - 391, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

BRIAN OSBORNE, Ed.D.

DATE

Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires: _____

Notary Public

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[case - check]

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[contrast - counsel]

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[deponent - development]

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[development - disorders]

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[disparate - districts]

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[districts - driven]

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[driving - educator]

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[educators - engagement]

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[exact - experience]

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[experience - facebook]

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[facebook - feeling]

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